



# CITY OF KIRKLAND CITY COUNCIL

**Amy Walen, Mayor • Jay Arnold, Deputy Mayor • Dave Asher • Tom Neir  
Toby Nixon • Jon Pascal • Penny Sweet • 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, January 16, 2018 6:00 p.m. – Study Session 7:30 p.m. – Regular Meeting

COUNCIL AGENDA materials are available on the City of Kirkland website [www.kirklandwa.gov](http://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.

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.

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. Joint Meeting with the Park Board
4. *EXECUTIVE SESSION*
  - a. To Discuss Potential Property Acquisition
5. *HONORS AND PROCLAMATIONS*
6. *COMMUNICATIONS*
  - a. *Announcements*
  - b. *Items from the Audience*
  - c. *Petitions*
7. *SPECIAL PRESENTATIONS*
  - a. Community Foundation Feasibility Study Results
  - b. WSDOT I-405 Update
  - c. Rectangular Rapid Flashing Beacon Update

\*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.

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 They are the most permanent and binding form of Council action, and may be changed or repealed only by a subsequent ordinance.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

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

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

8. CONSENT CALENDAR

a. Approval of Minutes: January 2, 2018

b. Audit of Accounts:  
Payroll \$  
Bills \$

c. General Correspondence

d. Claims  
(1) Claims or Damages

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

(1) Resolution R-5291, Approving a Fourth Amended and Restated Employment Agreement Between the Kirkland City Council and Kurt Triplett, Its City Manager.

h. Other Items of Business

(1) Report on Procurement Activities

9. PUBLIC HEARINGS

10. UNFINISHED BUSINESS

a. 2018 State Legislative Update #1

b. Finn Hill Neighborhood Plan

(1) Ordinance O-4636 and its Summary, Relating to Comprehensive Planning and Land Use and Amending the Comprehensive Plan Ordinance 3481, as Amended, to Include Chapter X.V.P Finn Hill Neighborhood Plan, Amending the Land Use Map, Amending the Kirkland Zoning Code Ordinance 3719, as Amended, Including Chapters 5, 10, 35, 92, 95, 105, 110, 112, 142, 180, Amending the Zoning Map Ordinance 3710, as Amended to Include Legislative Rezones, and Amending the Kirkland Municipal Code 3.30.040 Design Guidelines for Pedestrian Oriented Design Districts and Approving a Summary for Publication, File No. CAM15-01754.

c. Houghton/Everest Neighborhood Center

(1) Ordinance O-4637 and its Summary, Relating to Comprehensive Planning, Zoning and Land Use and Amending the Kirkland Zoning Map,

Ordinance 3710, as Amended, and the Kirkland Zoning Code, Ordinance 3719 as Amended, Regarding Standards that Apply to Development in the Houghton/Everest Neighborhood Center, to Ensure the Zoning Map and the Zoning Code Conform to the Comprehensive Plan and the City Complies with the Growth Management Act, and Approving a Summary for Publication, File No. CAM16-02742.

(2) Resolution R-5292, Approving Amended Design Guidelines for Pedestrian Oriented Business Districts and Authorizing the Mayor to Sign.

NEW BUSINESS consists of items which have not previously been reviewed by the Council, and which may require discussion and policy direction from the Council.

CITY COUNCIL COMMITTEE agendas and minutes are posted on the City of Kirkland website, [www.kirklandwa.gov](http://www.kirklandwa.gov).

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.

11. *NEW BUSINESS*

- a. Public Disclosure Semi-Annual Performance Report
- b. 2018 Board and Commission Interview Committee Selection

12. *REPORTS*

a. *City Council Regional and Committee Reports*

- (1) City Council Committee Appointments

b. *City Manager Reports*

- (1) City Council Retreat Agenda

- (2) Calendar Update

13. *ITEMS FROM THE AUDIENCE*

14. *ADJOURNMENT*



## CITY OF KIRKLAND

Department of Parks & Community Services

505 Market Street, Suite A, Kirkland, WA 98033 425.587.3300

[www.kirklandwa.gov](http://www.kirklandwa.gov)

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To: Kurt Triplett, City Manager

From: Lynn Zwaagstra, Director  
Michael Cogle, Deputy Director  
John Lloyd, Deputy Director

Date: January 10, 2018

Subject: Joint Council and Park Board Meeting

### RECOMMENDATION:

That the Council receive some background information pertaining to recommended agenda items for the joint City Council and Park Board meeting.

### BACKGROUND DISCUSSION:

Each year, City Council and Park Board typically have a joint meeting. Topics focus on top City Council priorities and Park Board priorities. At the December 2017 Park Board meeting, the 2017-2018 work plan and top priority projects coming up in 2018 were discussed. Additionally, Park Board recommended some possible topics to discuss with City Council at the scheduled joint meeting. Park Board is recommending the following topics, in addition to any topics that the City Council may wish to address.

### Draft Agenda for Joint City Council / Park Board Meeting on January 16, 2018 at 6pm

1. City Council discussion items
2. Overview of work plan - Highlight particular items of interest and advocacy such as off leash areas and the cost recovery study
3. Park acquisition, growth and development, in particular with the annexation area
4. Aquatics and recreation center

Where pertinent, background information on these topics are presented below.



## Park Board Work Plan for 2018

In the fall of 2016, Parks and Community Services staff worked with the Park Board and City Council to implement a 2017/18 work plan. This work plan was the result of analysis of several factors, including the following.

- Current Council work plan items
- Current Park Board work plan items
- Current promises and obligations (e.g., levy projects, funded CIP projects underway and promised, technology projects underway with Lucity and CivicRec implementations and service packages approved in the budget)
- Department analysis indicating high priority issues and needs

In November and December of 2017, Park Board received an update on the status of Parks and Community Services Work Plan items. Many work plan items have been completed, many are actively in progress, and others have not yet commenced. The Park Board Work Plan is directly related to the overarching Parks and Community Services Work Plan, so this plan was also reviewed and an overview of the upcoming top priority items for 2018 were provided. Those are outlined below.

- Monitor and provide feedback on current capital improvement projects underway.
  - Juanita Beach Shelter and Bathhouse
  - Totem Lake Park and Bridge Design
  - Ballfield Design and Construction (Finn Hill Middle School)
  - Edith Moulton Construction
  - Forbes Lake Bid and Construction
  - Property Acquisition
  - Parks Maintenance Center
  - City/School Playfield Partnership
- Provide input on 2019-2024 CIP program **to include a "CIP 101" session (i.e., presentation of the CIP process from start to finish and the roles of Parks versus Public Works CIP team)**, review of the current funded and unfunded CIP projects, and input on the 2019-2024 project list.
- Provide feedback on vendors in parks and vendor service levels that will enhance the park experience. This includes reviewing current vendors and concessions and a holistic view of desired park services that can be delivered through contracted services.
- Provide input on department measures of success including review of current department measures and typical industry measures.
- Review and provide feedback on park service levels and maintenance standards.
- Participate in and provide recommendations on the cost recovery study.
- Collaborate with staff to implement an off leash dog area study, analyze results, and provide recommendations.
- Participate in and provide recommendations on the McAuliffe Park Master Plan.
- Review and provide feedback on park signage and wayfinding standards.

The 2017-2018 Parks and Community Services Work Plan and the 2017-2018 Park Board Work Plan are attached in Attachment 1.

### Off Leash Dog Areas (DOLA)

In August 2014, Traci Doering, Past President of Kirkland Dog Off Leash Group (KDOG) presented her **organization's proposal to allow** designated off-leash dog activity in select parks during specific times of the day. Designated off leash areas are known as **DOLA's**. **DOLA's are established in specified areas of** some parks and are denoted by boundary markers and/or existing park features such as fences, **pathways and landscaping**. **DOLA's may have limited hours of operations, such as early morning or** evening hours only, or may be limited to certain periods of the year to avoid conflict with other park activities. In October 2014, the Park Board agreed to form a working committee comprised of Board members, KDOG members and staff. This committee presented a proposal to Park Board in February 2015. An overview of this proposal is attached in Attachment 2.

The next step in the process was to complete a public outreach process to assess support for the proposed pilot program and refine parameters. The public outreach was deferred until the new Kirkland Animal Services program was implemented. The Animal Services program was developed throughout 2017 and officially commenced on January 1, 2018. A service package was submitted during the 2017 mid-biennium budget process to complete this public outreach process in 2018. This was approved by Council with the mid-biennium budget in December 2017.

Possible discussion questions include:

1. **Does Council continue to support the concept of DOLA's and engagement in the public outreach process during 2018?**
2. Are there any particular issues that the Council would like to see addressed during this process, or opportunities that the Council would like to see explored?

### Cost Recovery Study

During the mid-biennium budget process, a service package was submitted to conduct a cost recovery study. This was in response to requests from City Council to examine rationale for fees and charges collected by Parks and Community Services for rentals, programs and other services. The service package was approved by Council in December 2017 and the project is expected to kick off in February 2018.

The goal of this project is to develop a cost recovery model and policy that provides a framework for **future planning, budgeting, pricing and resource allocation for the City's parks, recreation and** community services. An interactive and holistic approach should lead to a cost recovery model and policy that reflects the City Council goals, the mission and vision of the Department, and the values of the community. The project should align available and future resources with services and commitments to include desired level of service, sustainable fiscal stewardship, and industry best practices in order to develop an implementation plan that will ensure that the Department is moving in the right direction to meet the needs of the Kirkland community.

The study is expected to provide justifiable, articulated and agreed upon pricing rationale that can be used to allocate resources and provide service levels that most effectively meet the community needs and aligns with the mission and vision. An additional component includes 5-year modeling, which will allow the City to develop appropriate financial strategies to prepare for the future.

Discussion questions include:

1. What role do you see the Park Board playing in the development of the cost recovery model?
2. How can the Park Board contribute recommendations reflective of community input received in the course of their role?

### Park Acquisition, Growth and Development

The adopted Parks, Recreation and Open Space Plan outlines goals and policies for the Parks and Community Services Department. This includes park acquisition as it pertains to the established levels of service and park development and improvements. At the City Council retreat in June 2017, staff discussed a park acquisition strategy with Council. Council expressed interest in moving forward with this proposal, included as Attachment 3.

Here is a brief update on specific authorized purchases.

- Juanita Heights Park Expansion with Smith Parcel. Purchase offer was declined.
- Juanita Heights Park Expansion with Wu Parcel. Mr. Wu has agreed to terms on City acquisition of his 4.1 acre forested property at a below-market price of \$620,000. Funding for the acquisition will be offset with a \$250,000 grant from King County. A formal Purchase and Sale Agreement is scheduled to be presented to the City Council on February 5. Acquisition of the **Wu parcel will increase the size of Finn Hill's Juanita Heights Park by 67%, protecting vital open space and furthering neighborhood goals for trail connectivity.**
- McAuliffe Park Expansion with Richards Parcel. The purchase and sale agreement was executed in 2017.

The next expressed priorities were to focus on acquisitions in gap areas B, C and D. Maps of these gap areas are contained in the attached acquisition strategy.

- Gap Area B: Southwestern portion of the North Juanita neighborhood
- Gap Area C: Northeastern portion of the North Juanita neighborhood
- Gap Area D: Northeastern portion of the Kingsgate neighborhood

Discussion questions include:

1. Given limited funding and increasing cost of land, how could the Park Board assist in accomplishing purchases to reduce or eliminate the high priority gap areas?
2. **What is the Council's interest in future bond initiatives that may provide funding for park acquisitions and development projects?**

### Aquatics and Recreation Center (ARC)

Creation of a Metropolitan Park District, which would have created the mechanism to fund development of the ARC Center, was not approved by Kirkland voters in 2015. However, there remains a demonstrable need for additional indoor recreation and aquatic space to serve the existing and future Kirkland community. The **City's many surveys and public outreach efforts have indicated a desire by** residents for a multi-purpose indoor recreation facility such as the ARC Center.

The Lake Washington School District has indicated that the Aquatic Center at Juanita High School will remain open as part of the development of the new school campus. Unfortunately, no funding for pool upgrades has been promised and the aquatic facility remains in poor condition. It is unclear how long the Juanita Aquatic Center will remain operational.

**Meanwhile, programs at the City's two community centers continue to experience record** enrollment, with extensive waiting lists for many City recreation programs indicating unmet demand.

Discussion questions include:

1. Does the Council have interest in continuing to explore options for creating aquatics and additional indoor recreation space for Kirkland residents?
2. If so, how and when might the Park Board and staff assist with this effort?
3. Would the Council have interest in receiving suggestions/recommendations on additional options to create indoor aquatics and recreation space that utilizes current park space and community centers throughout the City?

**2017-2018**  
**MAJOR WORK PLAN ELEMENTS**  
**DEPARTMENT OF PARKS AND COMMUNITY SERVICES**

**1. Park Planning, Acquisition and Capital Projects**

- 1.1. Complete several in-process park acquisitions
- 1.2. Acquire additional properties for neighborhood parks with funding from 2012 Park Levy
- 1.3. Complete improvements to Edith Moulton Park
- 1.4. Complete replacement of Juanita Beach Park Bathhouse and New Picnic Shelter
- 1.5. Complete design and permitting for improvements to Totem Lake Park
- 1.6. Complete improvements to Spinney Homestead Park
- 1.7. Complete improvements to Terrace Park
- 1.8. Complete improvements to Marina Park Dock and Boat Launch
- 1.9. Complete pier decking replacement at Doris Cooper Houghton Beach Park
- 1.10. Finalize and begin implementation of plan for new Parks Maintenance Center
- 1.11. Identify and implement City-LWSD Playfield Partnership Projects
- 1.12. Complete improvements to Forbes Lake Park
- 1.13. Complete playground improvements at Tot Lot Park
- 1.14. Complete Peter Kirk Pool Liner Replacement
- 1.15. Complete O.O. Denny Park irrigation system and picnic shelter projects
- 1.16. Complete Marina expansion and breakwater feasibility study
- 1.17. Pursue RCO Grant Funding through Youth Athletic Facilities Program
- 1.18. Pursue grant funding for land acquisition through Conservation Futures Tax Program

**2. Recreation and Customer Services**

- 2.1. Implement new parks and recreation software system
- 2.2. Automate park and recreation facility rentals and online reservation system in the new software
- 2.3. Automate all remaining feasible customer service processes into new software
- 2.4. Implement new centralized customer services center for the Department
- 2.5. Update park and recreation facility rental prices and policies
- 2.6. Update, unify and streamline customer service processes to a new user friendly system
- 2.7. Update website to incorporate new business practices and technology
- 2.8. Implement staffing re-organization for Recreation Services Division
- 2.9. Assume staff support responsibilities for Youth Council and Senior Council
- 2.10. Monitor, assess, and modify as necessary new pricing structure for athletic fields
- 2.11. Revise boat launch seasonal pass sales process
- 2.12. Establish levels of services and strategic approach to park vendor and concessionaire program

**3. Park Maintenance & Operations**

- 3.1. Implement new Asset Management and Labor Tracking Software System
- 3.2. Complete major maintenance projects funded from new Parks Facilities Sinking Fund
- 3.3. Complete identified park improvement projects
- 3.4. Complete identified ballfield improvement projects
- 3.5. Seek community feedback and evaluate proposed Designated Off-Leash Area program
- 3.6. Implement new boat launch and moorage pay systems
- 3.7. Implement web cam for Marina Park

- 3.8. Assume maintenance responsibilities for Hazen Hill Park
- 3.9. Secure HPA Permit from WDFW for on-going maintenance of docks
- 3.10. Complete new Parks Division policies and procedures manual
- 3.11. Develop wayfinding and signage standards
- 3.12. Develop tree maintenance standard operating procedures
- 3.13. Develop trail management standard operating procedures
- 3.14. Develop natural parks standard operating procedures

#### **4. Special Events Permitting and Friday Farmers' Market**

- 4.1. Conduct survey of event organizers and implement improvements as identified
- 4.2. Evaluate possible relocation of Juanita Beach Park Farmers' Market within park

#### **5. Human Services**

- 5.1. Establish Human Services Commission
- 5.2. Develop Human Services Commission Orientation Manual and Work Plan
- 5.3. Assist with welcoming and inclusive community initiatives
- 5.4. Assist CMO in implementation of Permanent Shelter for Women and Children

#### **6. Green Kirkland Partnership Program**

- 6.1. Develop sponsorships, revenue-generating programs and events to support GKP activities
- 6.2. Integrate GKP asset management and work flow processes into the Lucity software
- 6.3. Integrate event/program registration component of GKP into recreation software
- 6.4. Update website to reflect new business practices related to staffing changes and technology

#### **7. Parks Administration**

- 7.1. Complete cost-of-service study to establish policy on program/facility fees and charges
- 7.2. Participate in regional discussions regarding facility partnerships and funding initiatives
- 7.3. Complete department realignment and position classifications study
- 7.4. Minimum wage increase plan and implementation
- 7.5. Examine and update department measures of success and integrate into reporting processes

#### **8. Park Board**

- 8.1. Provide recommendations on implementation of Totem Lake Park Master Plan
- 8.2. Provide recommendations on design of new Juanita Beach Park Bathhouse and Shelter
- 8.3. Provide recommendations on renovation plans for Spinney Homestead and Terrace Parks
- 8.4. Provide recommendations on implementation of City-School District Playfield Partnership
- 8.5. Provide recommendations on implementation and evaluation of athletic field pricing structure
- 8.6. Provide recommendations on potential land acquisitions for future neighborhood parks
- 8.7. Seek public feedback and provide guidance on Designated Off Leash Area proposal
- 8.8. Provide recommendations on cost-of-service study
- 8.9. Provide recommendations on park vendors program
- 8.10. Provide recommendations on Department's "Measures of Success"
- 8.11. Receive briefings on implementation of new asset management and labor tracking system
- 8.12. Receive briefings on implementation of new program registration and facility booking system
- 8.13. Provide recommendations on trail signage standards and wayfinding
- 8.14. Provide recommendations on Parks 2019 – 2024 Six-Year Capital Improvement Program (CIP)

**Kirkland Park Board 2017 – 2018 Work Plan**

<i>1. THRIVE – Active Places and Programs for All Ages</i>		
Objective	Park Board Role	Timing
1.1: Implement Totem Lake Park Master Plan <i>In progress</i>	Provide guidance to staff and design team on design of Phase 1 improvements, including development of Yuppie Pawn Site.	2017 Q2 / Q3
1.2: Replace Juanita Beach Park Bathhouse Replacement and Add New Picnic Shelter <i>In progress</i>	Provide guidance to staff and design team on placement and design of new bathhouse and shelter.	2017 Q1 / Q2
1.3: Renovate Terrace Park <i>Project defunded</i>	Provide guidance to staff and design team on renovation plan for park.	2018 Q1 / Q2
1.4: Renovate Spinney Homestead Park <i>Project defunded</i>	Provide guidance to staff and design team on renovation plan for park.	2018 Q1 / Q2
1.5: Expand opportunities for off-leash dog activity in City parks <i>Not started, 2018 service package approved</i>	Seek public input and provide guidance to staff and City Council on possible pilot project to permit limited off-leash hours at certain parks.	2018 Q1 / Q2
1.6: Purchase land for future neighborhood parks <i>In progress</i>	Provide guidance to staff on priorities for acquisition.	Ongoing
<i>2. SPORT – Athletic Fields and Facilities for a Wide Variety of Sports</i>		
Objective	Park Board Role	Timing
2.1: Implement new City-School Playfield Partnership Projects <i>Project selected, moving forward into design</i>	Provide guidance to staff on selection of school sites for playfield improvements.	2017 Q2 / Q3
2.2: Implement and assess new athletic field pricing structure <i>Complete</i>	Provide guidance to staff on implementation and evaluation of new pricing structure.	2017 Q3 / Q4
<i>3. CONNECT – Trails and Greenways Linking People and Places</i>		
Objective	Park Board Role	Timing
3.1: Develop trail signage and wayfinding standards for trails and associated facilities <i>Not started</i>	Provide guidance to staff on proposed standards.	2018 Q1 / Q2
3.2: Conduct preliminary analysis of a shoreline trail connecting Juanita Bay Park and Juanita Beach Park	Receive report from staff.	2017 Q3 / Q4

### Kirkland Park Board 2017 – 2018 Work Plan

<b>Not started</b>		
<b>Not started</b>		
<b>4. <u>NURTURE – Environmental Stewardship for a Green Future</u></b>		
Objective	Park Board Role	Timing
<b>5. <u>SUSTAIN – Institutional Capacity to Realize the Vision</u></b>		
Objective	Park Board Role	Timing
5.1: <b>Update the Parks’ Capital Improvement Plan</b> <b>Not started</b>	Provide guidance to staff on proposed projects and funding for Parks the 2019-2024 CIP.	2018 Q1 / Q2
5.2: Complete cost of service study <b>Not started</b>	Provide guidance to staff on proposed cost recovery policies.	2018 Q2 / Q3
5.3: Procure and manage food and recreation vendors in parks <b>Not started</b>	Provide guidance to staff on proposed locations and vendor services.	2017 Q1 / Q2 2018 Q1 / Q2
5.4: Develop department measures of success <b>Not started</b>	Provide guidance to staff on proposed success measurements.	2017 Q3 / Q4
5.5: Implement new program registration and facility booking system (Rec1) <b>System implemented, optimization will continue</b>	Receive briefings on project implementation.	2017 Q1 / Q2
5.6: Implement new asset management and labor tracking system (Lucity) <b>System implemented, optimization will continue</b>	Receive briefings on project implementation.	2017 Q2 / Q3
5.7: Implement new department customer services hub <b>Complete</b>	Receive briefings on project implementation.	2017 Q1 / Q2
5.8: Review the master planning process and discuss applicability to McAuliffe Park <b>Not started</b>	Receive a briefing on the master planning process for parks and provide recommendations to staff on applying this process to McAuliffe Park	2017 Q3 / Q4





## Attachment 2

# Proposed Pilot Program: Unfenced Designated Off Leash Areas in Kirkland Parks

Goal: Provide a range of on-leash and off-leash opportunities to accommodate the variety of needs of dogs and their owners, while not overly impacting the needs of other park users.

Realities: The following assumptions are built into managing the use of public recreation areas by dogs and their owners [*Source: Portland, Oregon Off-Leash Program*]:

- Recreating with a dog is a legitimate and appropriate park use.
- Conflict is unavoidable.
- Park managers have the responsibility to design, create, and manage parks in a way that minimizes conflict.
- Park users also have a responsibility to help minimize conflicts with other park users by displaying mutual respect and by following park rules.

Policies and Regulations: Pertinent City and State regulations or policies have been reviewed in developed of this proposal. City regulations and/or policies may need to be revised in order to implement the pilot program.

What is an "Unfenced Designated Off-Leash Area"?

An unfenced designated off-leash area (DOLA) is a carefully selected area in a city park where dogs can play and exercise off-leash under voice control of their owner. The designated areas are shared with other park users and kept available for other park uses.

What does voice control mean?

Dog owners using unfenced off-leash areas should have their dogs under control at all times. The **challenge can be individual interpretation of what "under control" means. It should mean the owner/handler has voice control over the actions of the dog in all situations and it is trained to respond to verbal commands of come, stay, down, sit, and no.**

Why consider unfenced off-leash areas?

- Strong demand from Kirkland park users for more off leash opportunities.
- Off-leash (unauthorized) activity is already widespread in most Kirkland parks.
- Sanctioned use can be more easily monitored and managed.
- Sanctioned use increases likelihood of responsible dog ownership and dog socialization through interaction with positive role models and opportunities for education and outreach.
- Provides expanded opportunities for informal and formal dog training.
- Considerably less expensive than creating a dedicated, fenced off-leash dog park.
- Allows for other park uses throughout the day.
- Provides an opportunity for dog owners to meet, share information, and form community bonds.
- Makes it less likely that dogs will be let loose in undesirable areas.
- **Lessens pressure placed upon Jasper's Dog Park as being Kirkland's sole public off-leash opportunity.**



## Attachment 2

### What are the Keys for Ensuring Success?

- **Abundant and Dispersed:** More locations are better than fewer. Providing opportunities across all neighborhoods lessens traffic, encourages neighbor-to-neighbor interaction, and lessens the likelihood that a particular park in the community may be overused.
- **Right Site:** A designated off-leash areas (DOLA) should:
  - Be a minimum of 5,000 square feet
  - Not negatively affect fish and wildlife habitat
  - Not negatively affect water quality
  - Avoid active restoration areas
  - Be relatively level
  - Have minimal impact on adjacent residential areas (off leash areas should be No Barking Zones)
  - Be away from playgrounds
  - Avoid playfield conflicts
  - Avoid swimming beaches during swimming season
  - Off-leash trails should be wide enough to allow for the passing of dogs and owners
  - If on a school walk route, avoid off-leash activity immediately before/after school hours
  - A park's main pedestrian circulation should not be within the designated off-leash areas
  - Avoid siting DOLAs adjacent to streets with heavy traffic
  - Consider areas currently experiencing high off-leash dog use
  - Be equipped with minimum amenities which include site signs with places for posting notices; fence or boundary markers; garbage cans and dispensers for scoop bags
- **Clear boundaries:** Unfenced designated off-leash areas should be clearly defined through signage and boundary markers such as posts, bollards, or other visible devices. Existing fencing, walls, and vegetation can also help define the areas. Flyers, maps, etc. should also be made available.
- **Right times:**
  - Programming of specific hours provides a balance between the needs of dog owners and other park users.
  - Off-leash hours and seasons should be defined by individual park use patterns and hours of daylight.
  - Morning times: 6:00 a.m. – 9:00 a.m.
  - Evening times: 4:00 p.m. – Dusk
- **Right Enforcement:** Parks and Community Services has a limited ability to enforce off-leash rules and regulations. Current emphasis is placed on education and outreach, with enforcement a secondary priority. It should be noted that the City has a limited capacity to actively enforce all park rules (not just leash laws), and that enforcement of park rules is typically complaint-based. Nonetheless, additional resources are likely to be necessary to ensure program success.
- **Right Rules:** Rules should be clearly posted at off leash sites and written to be easily understood. It is anticipated that additional efforts will need to be made to help all park visitors



## Attachment 2

understand why the rules are important and to encourage them to be considerate of others and to act responsibly.

**Learning from the experiences gleaned from Jasper's Dog Park and successful unfenced off leash areas in other communities, the following rules and regulations are proposed for Kirkland's off leash areas:**

### Rules for dogs:

- Demonstrate appropriate social interaction
- Display tags showing proof of current license and rabies vaccination
- Be considerate of park neighbors by playing quietly in the early morning and evening hours - No Bark Zone
- When off leash, stay in the designated off leash area boundaries

### Rules for owners/handlers:

- Dogs displaying aggressive behavior toward people or other dogs must be removed from the DOLA immediately.
  - Bring no more than two dogs to the DOLA at any time.
  - Remain in the DOLA to supervise their dog and keep them within view and under verbal control at all times.
  - To prevent injury, remove pinch or choke collars when playing off leash.
  - For health and safety reasons, do not bring a dog in heat to a public park.
  - For health and safety reasons, do not bring a puppy under six months old to the DOLA.
  - Children must be closely supervised.
  - Accept responsibility for any damage or injury caused by their dog. No digging allowed.
  - Comply with all other park rules.
- More Education: The City should partner with advocacy groups such as KDOG to sponsor and promote increased education for dog owners. Experts can be used to provide a variety of on-site trainings and workshops. Topics may include:
    - Canine social development
    - Dog body language - friendly, fearful, and aggressive
    - Basic commands every dog should know
    - Help for leash-reactive dogs
    - Equipment for dogs and how to use it
    - Meeting the needs of your high energy dog
    - Teaching your dog to love a muzzle
    - Dog breeds and behavior
    - Mentally stimulating toys and training
    - The aging dog
    - Dog park drop outs

**Trial Period:** In order to assess the proposed program over the course of the varying seasons of the year, the trial period should be a minimum of 12 months from date of inception. The program should be formally reviewed by the Park Board at the end of every season to assist Parks staff in making any necessary adjustments and to help determine continued viability.



Attachment 2

Parks staff will require approximately 90 days after the program is formally approved to begin implementation.

Assessment: Data and information used for on-going and final assessment of the pilot program will include:

- Citizen comments log
- Observational reports
- Enforcement data
- Maintenance impact assessments
- Web survey
- Feedback from neighborhood associations

Public Involvement: Public input should be gathered to assess support for the proposed pilot program and refine parameters prior to making a final decision on whether or not to implement the project.

Public participation goal should be to work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.

Recommended public engagement strategies include:

- Outreach to all neighborhood associations, including attendance/presentations by staff and Park Board when possible.
- Web survey to ascertain opinions and attitudes towards pilot program
- News release to media and blogs
- City webpage
- Notices posted at each proposed DOLA site
- Park Board Public Hearing



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

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## MEMORANDUM

To: Kurt Triplett, City Manager

From: Lynn Zwaagstra, Director  
Michael Cogle, Deputy Director

Date: June 2, 2017

Subject: Near Term Park Acquisition Strategy

## RECOMMENDATION

That the Council review the proposed park acquisition strategy and provide feedback on the proposed park acquisition priorities for the next 5 years.

## BACKGROUND

In this period of rapid residential and commercial development, it is more important than ever that the City provide parks near all residents as places of recreation and refuge to keep Kirkland sustainable, green and vibrant. Adding new parks is becoming even more challenging as land is developed and real estate prices escalate significantly. These factors create the need for a near-term park acquisition strategy so that the City may seize opportunities and provide the recreation and open space experiences that are so essential to the quality of life in Kirkland.

The Parks and Community Services Department is guided in its vision, mission and direction by the Parks, Recreation and Open Space Plan (PROS). The PROS Plan provides a vision for the **City's** park and recreation system, contains service guidelines and addresses department goals, objectives and other management considerations toward the continuation of high quality recreation opportunities to benefit the residents of and visitors to Kirkland. The PROS Plan was part of the Kirkland 2035 Comprehensive Plan process and was updated with substantial input and direction from Kirkland residents, approved by the Park Board and adopted by City Council in November 2015.

The PROS Plan contains level of service guidelines, including an acreage guideline for community and neighborhood parks as well as a park within a specified walking distance. (PROS Plan p. viii) The neighborhood acreage guideline is 1.5 acres per 1,000 residents. The community park acreage guideline is 2.25 acres per 1,000 residents. (Comprehensive Plan Chapter X, policy 2.1) No specific guidelines are given for waterfront and natural parks, but they are included in the acreage targets. Each resident should have a neighborhood park within a ¼ mile walking distance (PROS p. 44) and a community park serving residents within a 1-mile drive (PROS p. 46).

The PROS plan defines the different park types. The definition of neighborhood and community parks are below. These are guidelines only. Some parks fall below, at or above the guidelines.

- Neighborhood Parks: Designed for unstructured, non-organized play and limited active and passive recreation. Preferably meets a minimum of 2 acres when possible and generally are 3-5 acres. The defined goal is to have a neighborhood park within ¼ mile walking distance. As this type of park is meant to serve neighbors in walking distance, typically parking and restrooms are not provided. Amenities typically include picnic tables, benches, play equipment, trails, a multi-use open field for informal play and sports courts. This City has defined areas of services gaps, covered below.
- Community Parks: Designed for active and structured recreational activities and sports. Preferably meets a minimum of 15 acres and generally are 15-30 acres. The defined goal is to have a community park within a 1 mile drive, walk or bike ride. Since community parks serve a larger geographic area, parking and restrooms should be provided. Amenities typically include a wide array of active recreation amenities as well as opportunities for more passive use. The City currently meets the acreage standard, but will fall short upon full residential development by 2035 if no acreage is added.

#### Levels of Service Guidelines – Acreage and Gaps

As indicated above, the PROS Plan and the Kirkland Comprehensive Plan identify park service levels of 1.5 acres per 1,000 residents for neighborhood parks and 2.25 acres per 1,000 residents for community parks. The following analysis is based on this service level.

In calculating the service level gap by acreage, the PROS Plan included all City park space, 50% of elementary school space and 100% of secondary school space. (PROS Plan p. 131)

- Neighborhood Parks –
  - Current:
    - 82,590 residents \* 1.5 acres per 1,000 residents = 123.8 acres
    - Current service level is 107.57 acres
    - Current service gap is 16.23 acres
  - Vision 2035:
    - 95,000 residents \* 1.5 acres per 1,000 residents = 142.5 acres
    - Current service level is 107.57 acres
    - Future service gap is 34.93 acres
- Community Parks –
  - Current:
    - 82,590 residents \* 2.25 acres per 1,000 residents = 185.8 acres
    - Current service level is 207.92 acres
    - Current service gap is -22.12 acres
  - Vision 2035:
    - 95,000 residents \* 2.25 acres per 1,000 residents = 213.75 acres
    - Current service level is 207.92 acres
    - Future service gap is 5.83 acres

It is important to note that County Parks and State Parks are not counted in this analysis. While it is helpful to understand the acreage gaps and the number of acres to target, it does not guide an acquisition strategy. It does, however, point to a focus on neighborhood parks for acquisition.

### Levels of Service Guidelines – Walking Distance and Gaps

The PROS Plan conducted a gap analysis based on the walking distance guideline in order to determine where future park acquisitions should focus. This analysis took into consideration the location of State and County parks. Additionally, school sites are included as park space available to the community at a 50% and 100% level as indicated above. However, privately held lands, such as homeowner association amenities or development holds are not included as park space.

After including all City of Kirkland park and open space, State and County parks, and school sites, the PROS Plan identifies areas of Kirkland where the service level gaps are most prominent. This information begins to guide an acquisition strategy. These gaps are outlined on the map in Addendum A. More detailed aerial photos of each of the gap areas are included as Addendum B. The largest areas of identified gaps are in the eastern portion of the Big Finn Hill area, North Juanita neighborhood and the Kingsgate neighborhood. The gaps outlined in the PROS Plan are as follows.

- Gap A: Northeastern portion of the Finn Hill neighborhood (Addendum B)
- Gap B: Southwestern portion of the North Juanita neighborhood (Addendum B)
- Gap C: Northeastern portion of the North Juanita neighborhood (Addendum B)
- Gap D: Northeastern portion of the Kingsgate neighborhood (Addendum B)
- ✓ Gap E: Central portion of the Kingsgate neighborhood – Eliminated with Hazen Hills Park Acceptance (Addendum B)
- Gap F: Northern portion of the North Rose Hill neighborhood (Addendum B)
- Gap G: Western portion of the South Rose Hill neighborhood (Addendum B)
- Gap H: Southern portion of the Bridle Trails neighborhood (Addendum B)

### Acquisition

The Parks and Community Services Department regularly evaluates property for acquisition in order to meet the Parks, Recreation and Open Space Plan (PROS) goal of acquiring parklands **necessary to adequately serve the City's current and future populations** based on level of service guidelines. (PROS Plan Policy 2.1, p. 23)

The PROS Plan provides several objectives to guide accomplishment of this goal. This includes the following. (PROS Plan Policy 2.1, p. 23)

- Proactively seek parkland identified within this plan, in both developed and undeveloped areas, to secure suitable locations for new parks to serve future residents. Evaluate acquisition opportunities based on criteria such as improvement to existing levels of service, connectivity, preservation and scenic or recreational opportunities for residents.
- To provide equitable park distribution, prioritize park acquisition in underserved areas where households are more than ¼ mile from a developed park.
- Prioritize park acquisition in areas of the City facing population growth and residential and commercial development.

- Establish or improve urban public services in newly annexed areas, as funds are available, to meet established levels of service.
- Evaluate opportunities to acquire lands declared surplus by other public agencies for park and recreation use.
- Pursue low-cost and / or non-purchase options to preserve open space, including the use of conservation easements and development covenants.
- When considering vacation of any right-of-way, consider its appropriateness for use as public park or open space.

In order to help objectively evaluate potential parcels for acquisition, staff utilized these **objectives to develop a "Property Acquisition Rating" sheet.** (Addendum C) This acquisition rating sheet is not policy, just a guideline that can help create a numerical metric to assist in decision making.

Possible Acquisition Costs

As mentioned above, the PROS Plan provides clear priorities and guidelines for the pursuit of future park properties. It also identifies locations on which to focus acquisition efforts. In order to gain an understanding of rough costs to obtain new park land, an analysis of land costs was conducted through an MLS search.

As the information above indicates, there is no gap in service guidelines for community parks at this time; however, there is a gap for neighborhood parks. Thus, the acquisition of neighborhood parks becomes more of a priority.

Neighborhood Parks – Potential Cost of Acquisitions

Cost per acre = \$1,513,585\*

*\* This estimate comes from an analysis of property sales conducted by Brenda Nunes with KW Nunes Group. This analysis included 21 vacant land parcels currently listed, 12 pending Kirkland developed property sales and 23 recent Kirkland developed property sales. This figure is the average of these 56 properties.*

Neighborhood Park	Target for Neighborhood Park Size	Cost Per Neighborhood Park Assuming 4 Acres
Assumes developed land	3-5 acres	\$6,054,340

This information simply shows an approximate cost assuming similar market conditions over time. As market conditions are variable and development is occurring at a rapid rate, it would be difficult to determine the cost of acquiring new park space with any degree of accuracy.

Available Acquisition Funds

Funds for park acquisitions come from numerous sources including the 2012 Park Levy, Impact Fees, REET, the King County Levy and grants. Based upon current budget projections, development projections for Impact Fees and an assumption that the King County Levy will be renewed at the same level, the following chart represents funding available for park acquisitions. This includes 2 currently awarded grants for a specific parcel acquisition and a previous year set-aside to match those grants.



	2017	2018	2019	2020	2021	2022
Levy	\$360,000	\$750,000	\$600,000			
Impact Fees				\$734,000	\$1,035,000	\$1,135,000
King County Levy <i>(Assuming renewal)</i>				\$230,000	\$230,000	\$230,000
REET						
Grants	\$285,000					
Unconfirmed Grant	\$250,000					
Reserves						
Balance Forward	\$500,000					
Possible Property Sale	\$600,000					
Total	\$1,995,000	\$750,000	\$600,000	\$964,000	\$1,265,000	\$1,3695,000

### ACQUISITION STRATEGY TO GUIDE THE NEXT FEW YEARS

As mentioned throughout this document, the PROS Plan contains significant guidance on the pursuit of new park space. This includes demonstrating the areas of greatest need to achieve equitable distribution of parks within the community and priorities to focus acquisition efforts in the coming years. This information should be considered the first component of an acquisition strategy. But the PROS Plan is a twenty year plan and priorities for the next six years must be set to respond to growth, maximize the effective use of existing dollars, fulfill levy commitments and leverage community support. Therefore staff is proposing the following near term acquisition strategy.

1. Focus on the acquisition priorities and guidelines outlined in the PROS Plan.
2. Complete the current pending purchases of parcels contiguous to Juanita Heights Park. These parcel acquisitions have been in discussion with the City for several years, have grant money available and strong support, including financial support, from the neighborhood. Previous year funds exist for these purchases. (See Addendum D for Funding Chart)
  - a. Wu property: \$250,000 City funding, \$250,000 grant (if approved) and private funding of \$120,000
  - b. Smith property: \$240,000 City funding, \$240,000 approved grants
3. Complete the current pending purchase of the parcel contiguous to McAuliffe Park. This parcel acquisition has been in discussion with the City for approximately 1 year and is contiguous to a centrally located community park, allowing an enhancement to that park. This purchase would be completed with 2017 and 2018 funds. (See Addendum D for Funding Chart)
  - a. Richards property: \$600,000 possible proceeds from property sale, \$1,072,000 City funding

- b. Note: The \$1,672,000 purchase price does not include inspection or demolition costs.
4. Reconsider the standards for property acquisition. For example, holding out for parcels that meet all criteria is becoming increasingly difficult. Compromises may need to be made in size, condition, visibility of the space, and so on.
5. Focus on neighborhood park acquisitions in specified gap areas.
6. Prioritize the gap areas that are not close to other park spaces over gap areas that are close to a park space. For example, Gap Area H has Bridle Trails State Park on 2 sides. Additionally, prioritize gap areas with higher residential population density.
  - Proposed 3 top gap area priorities:
    - i. Gap Area B: Southwestern portion of the North Juanita neighborhood
    - ii. Gap Area C: Northeastern portion of the North Juanita neighborhood
    - iii. Gap Area D: Northeastern portion of the Kingsgate neighborhood
7. Begin a proactive process of identifying available property and targeting parcels for development and/or purchase. Some possible steps include the following:
  - a. Meet with Planning and GIS staff to identify City-owned lands set aside for green belt and/or Stormwater detention that might be modified to include neighborhood park amenities.
  - b. Use GIS to identify undeveloped land or developed land in target zones that could be purchased.
  - c. Work with the Park Board and Kirkland Alliance of Neighborhoods to discuss properties of interest.
  - d. Contact property owners to discuss interest in selling.
8. Aggressively pursue grant funding to assist with acquisitions.
9. Consider condemnation in certain circumstances to acquire key parcels in strategic locations.

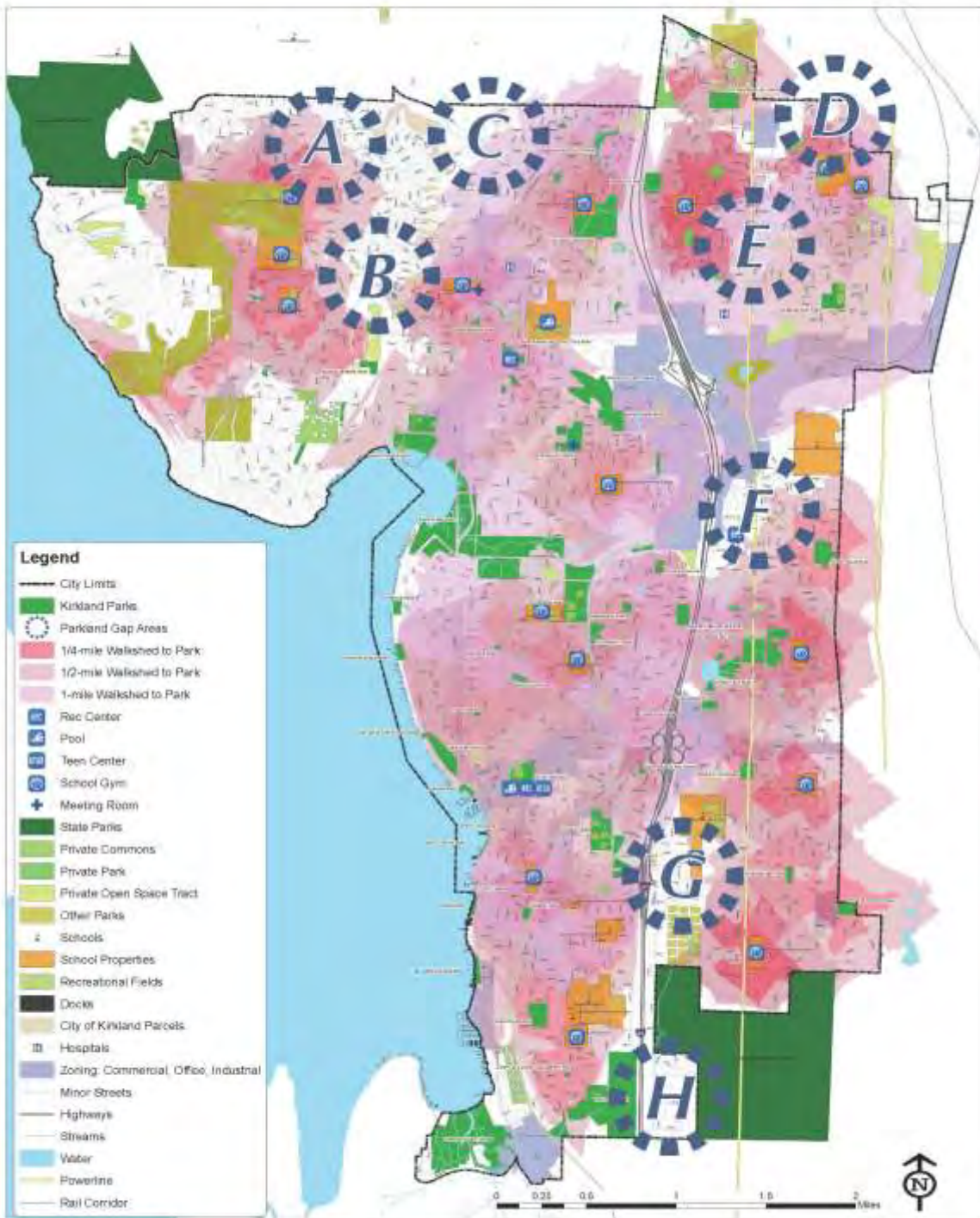
## Next Steps

Staff is seeking feedback from the City Council on the proposed near-term acquisition strategy. Once a final strategy has been determined by the Council, staff will proceed with implementation as quickly as possible.

### Addendum A: Park Gap Analysis

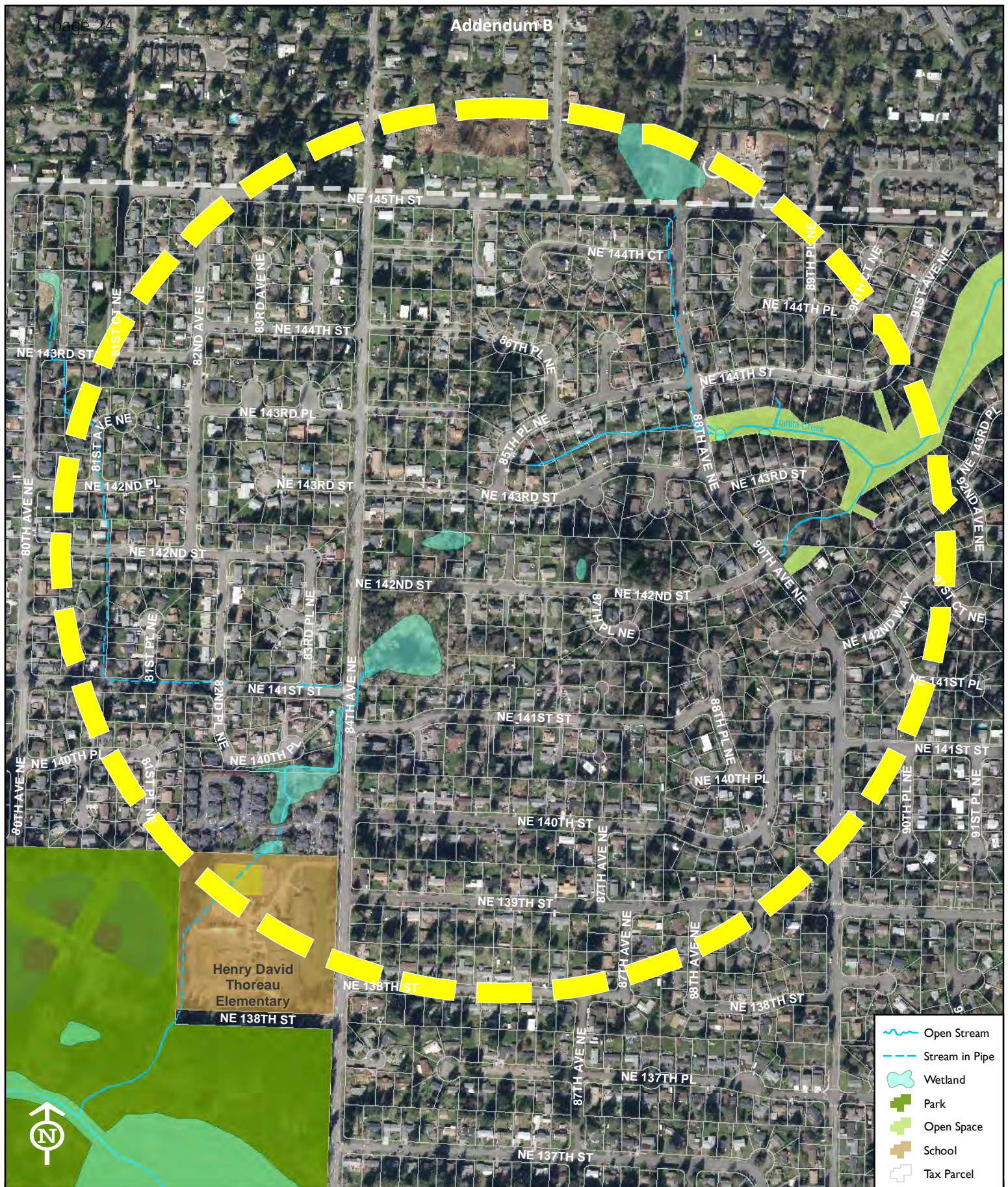


Parks, Recreation & Open Space Plan | 2015



**MAP 4: Parkland Gap Areas**



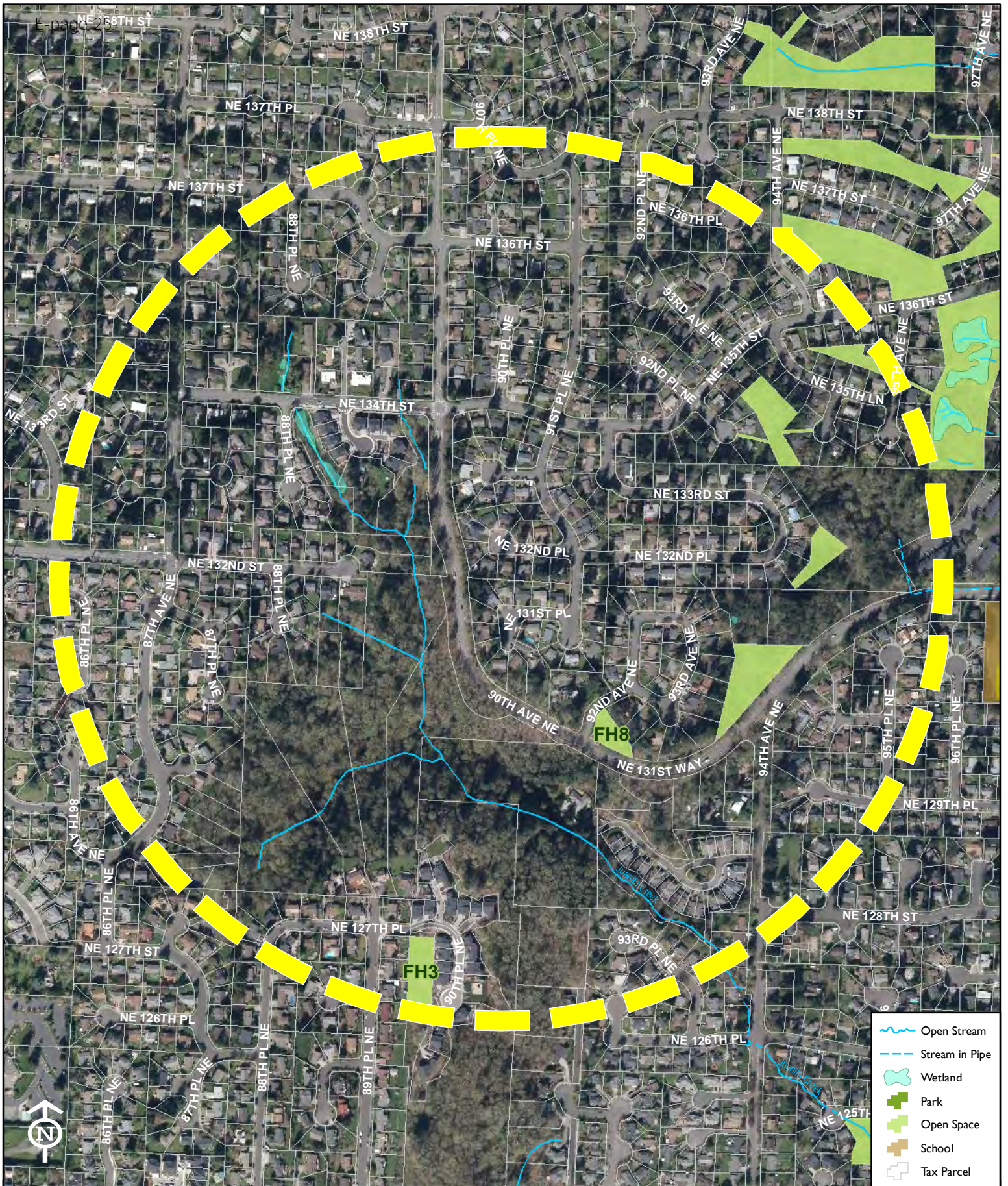


**Parkland Gap Areas: A**  
 (Reference to MAP 4 in Parks, Recreation & Open Space Plan)

0 0.1 0.2 0.3 Miles





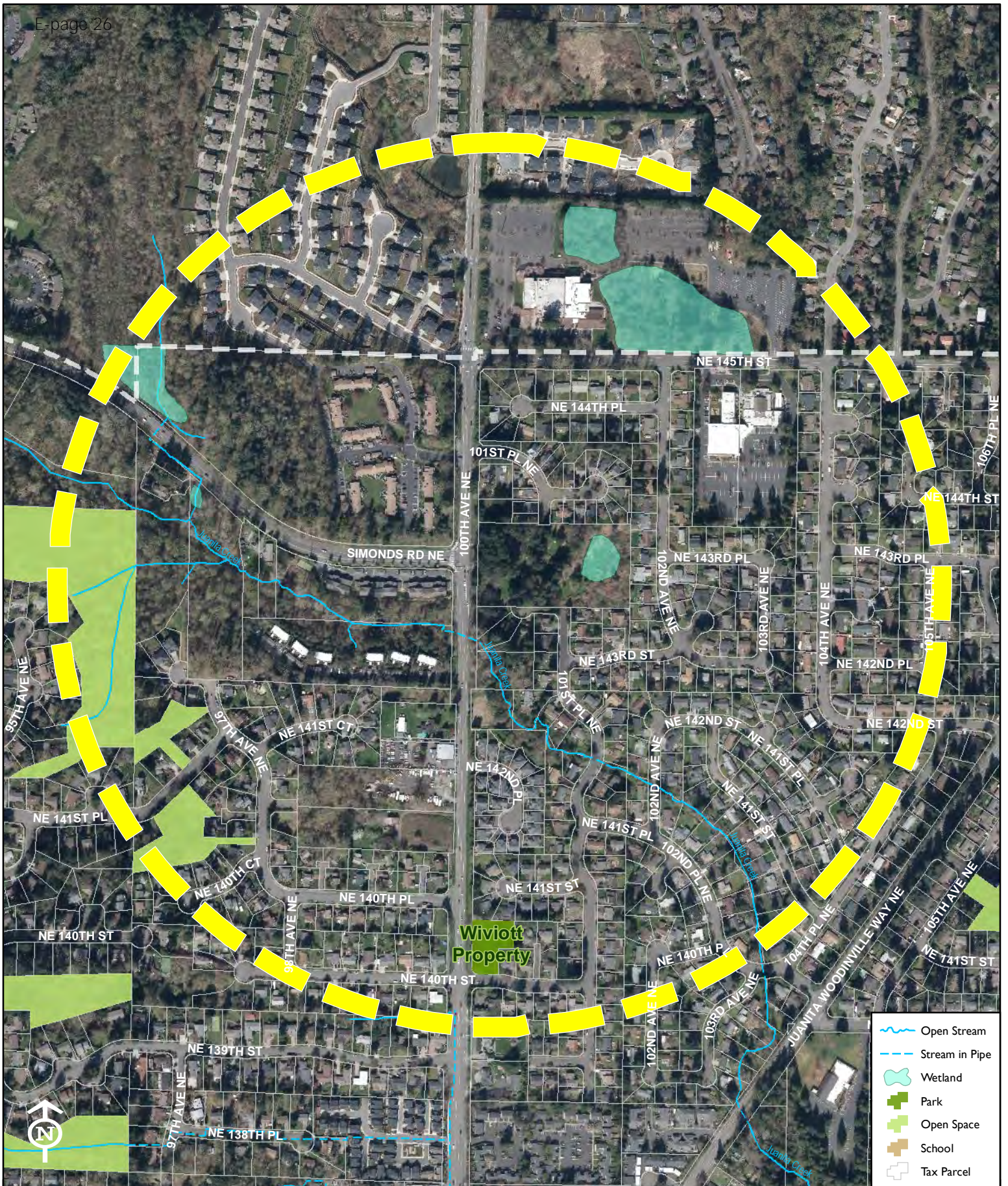


# Parkland Gap Areas: B

(Reference to MAP 4 in Parks, Recreation & Open Space Plan)







# Parkland Gap Areas: C

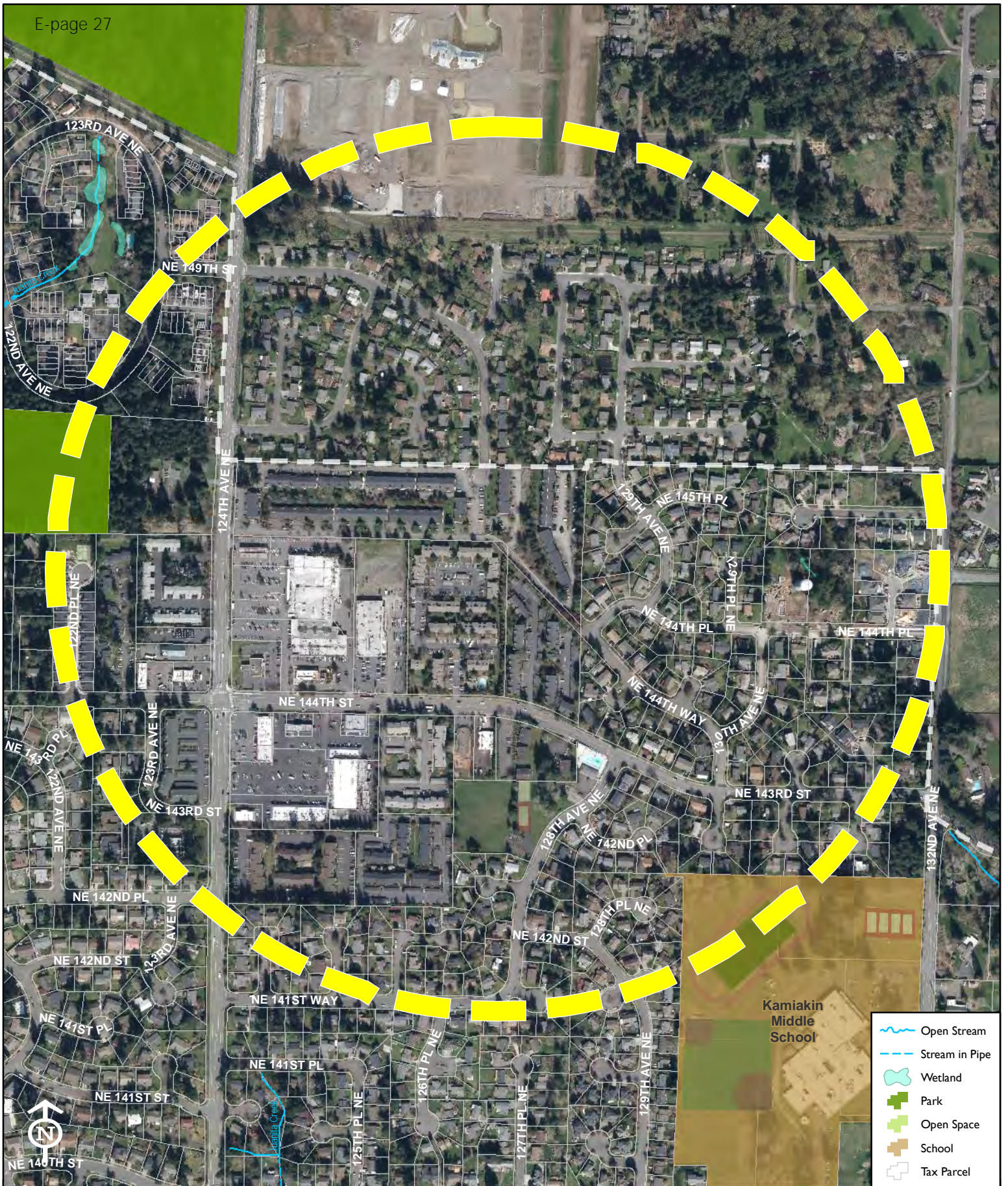
(Reference to MAP 4 in Parks, Recreation & Open Space Plan)

0 0.1 0.2 0.3 Miles

- Open Stream
- Stream in Pipe
- Wetland
- Park
- Open Space
- School
- Tax Parcel







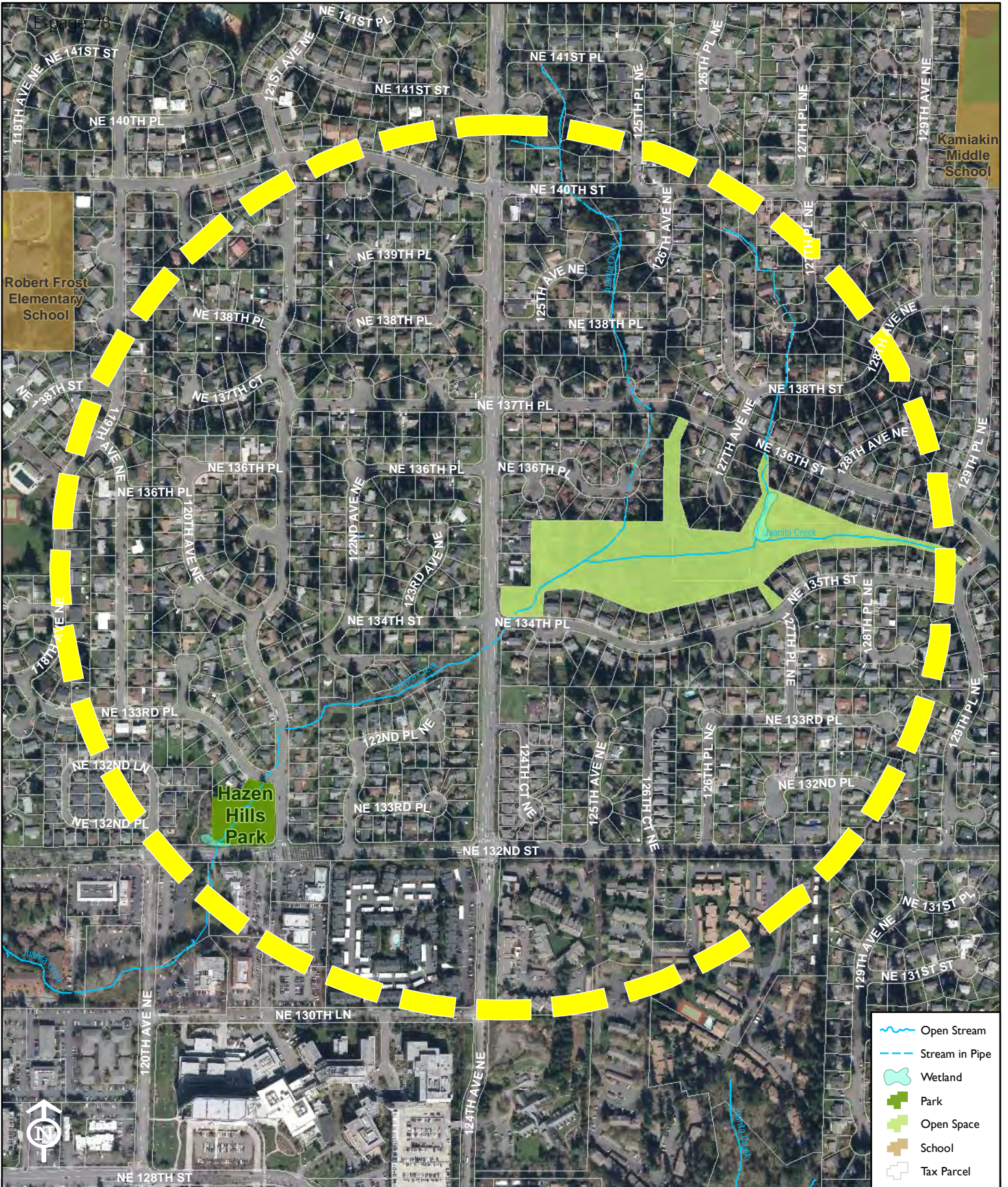
# Parkland Gap Areas: D

(Reference to MAP 4 in Parks, Recreation & Open Space Plan)

0 0.1 0.2 0.3 Miles





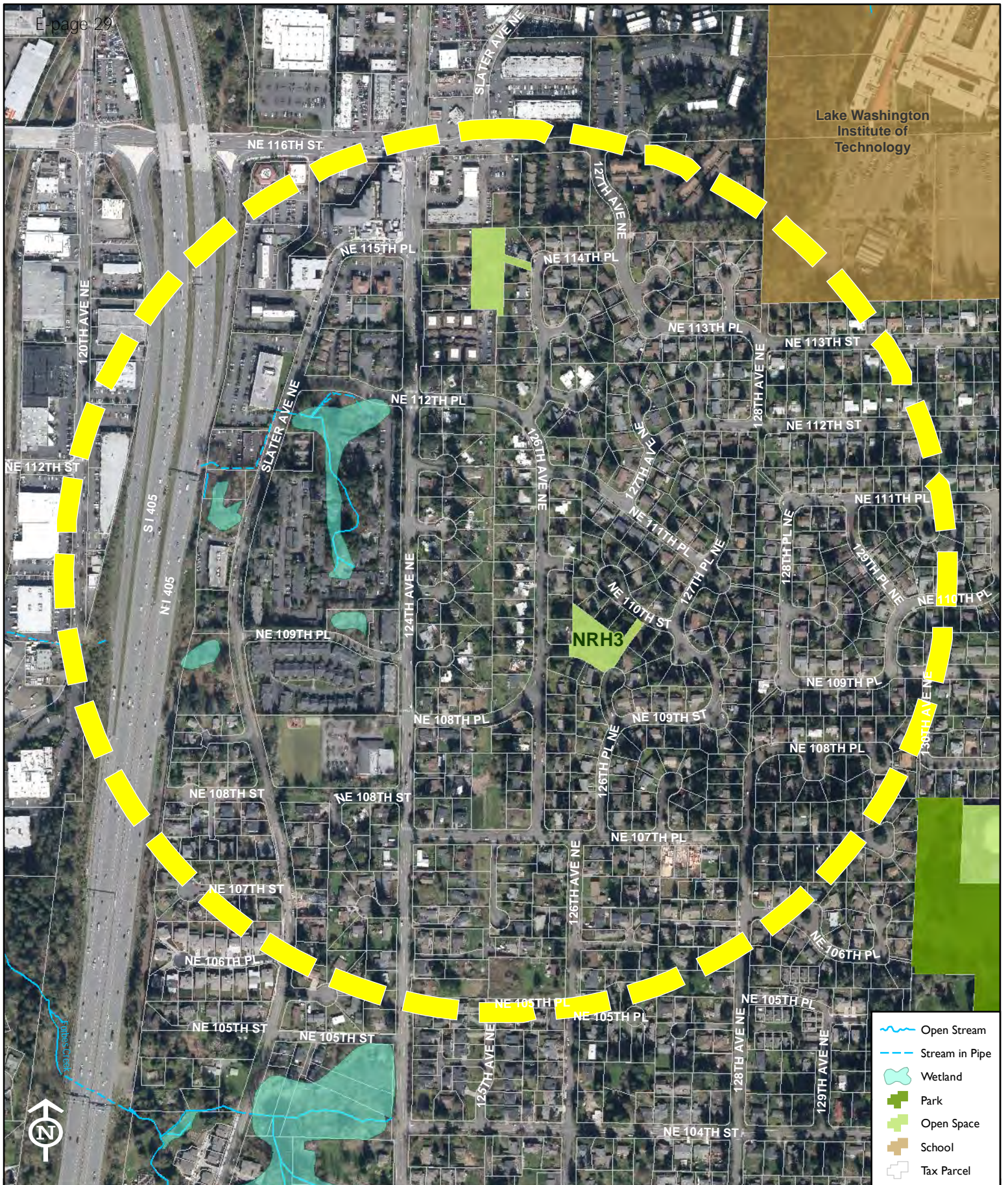


# Parkland Gap Areas: E

(Reference to MAP 4 in Parks, Recreation & Open Space Plan)










Lake Washington  
Institute of  
Technology

NRH3

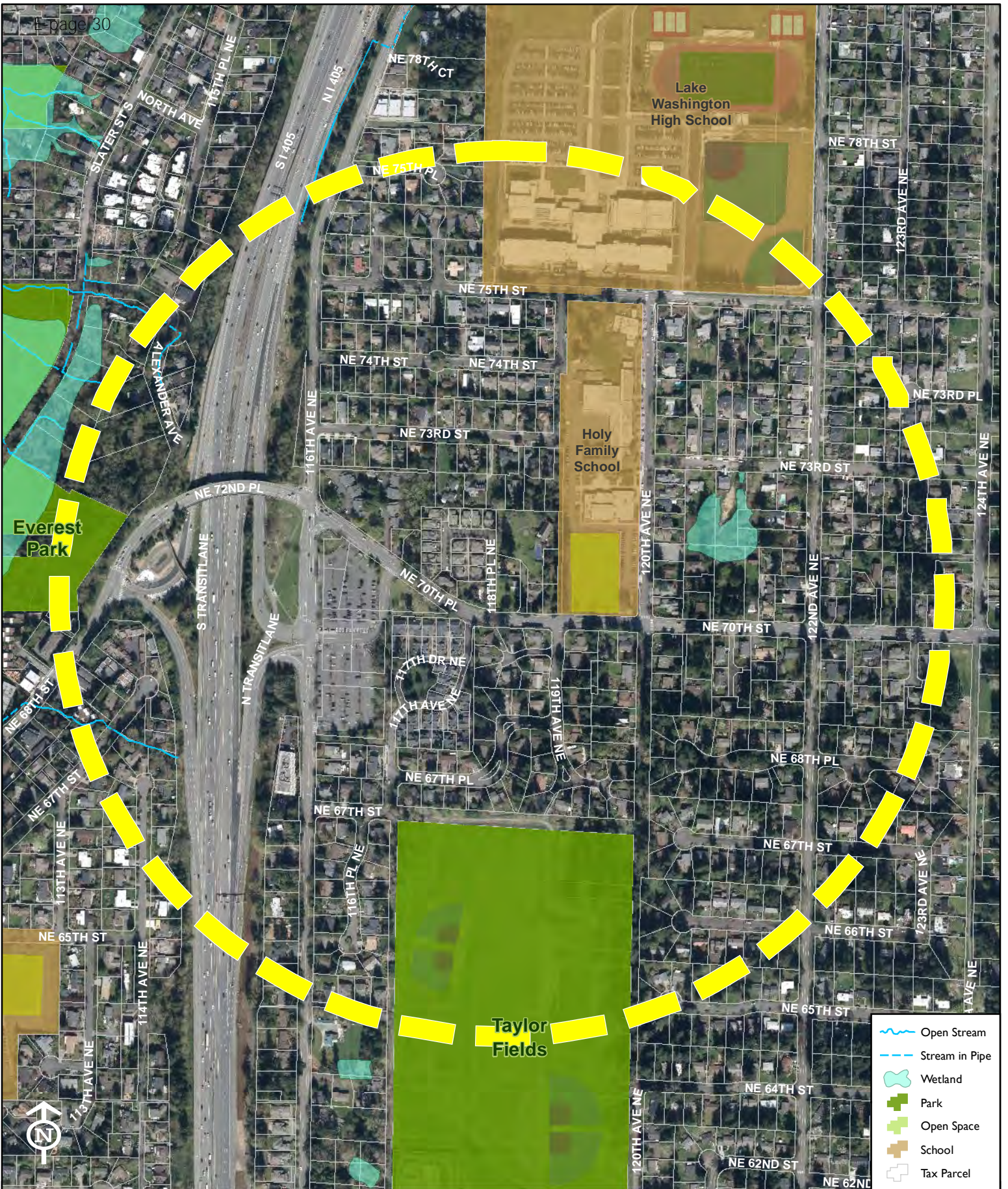
-  Open Stream
-  Stream in Pipe
-  Wetland
-  Park
-  Open Space
-  School
-  Tax Parcel

# Parkland Gap Areas: F

(Reference to MAP 4 in Parks, Recreation & Open Space Plan)







# Parkland Gap Areas: G

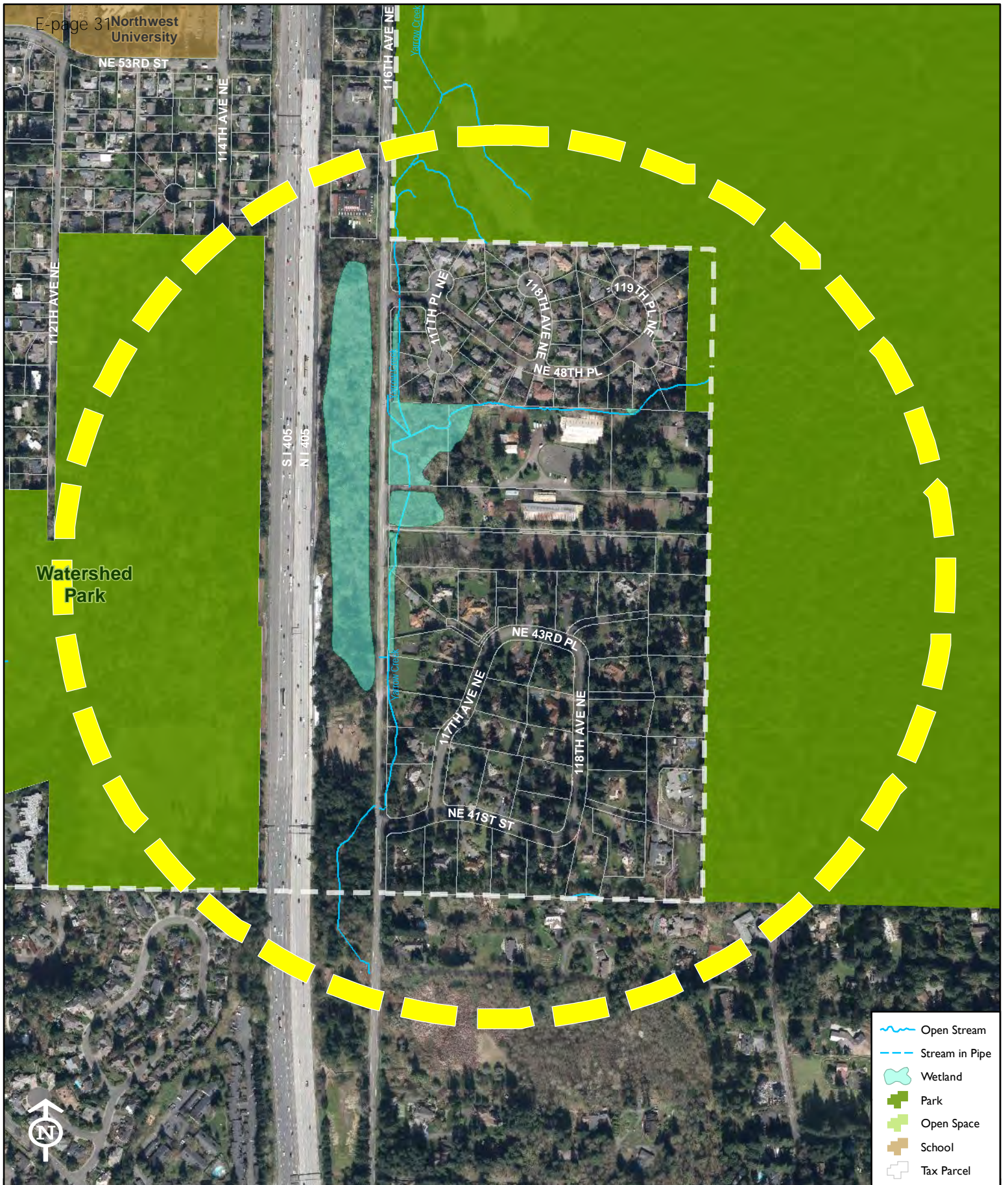
(Reference to MAP 4 in Parks, Recreation & Open Space Plan)



- Open Stream
- Stream in Pipe
- Wetland
- Park
- Open Space
- School
- Tax Parcel







# Parkland Gap Areas: H

(Reference to MAP 4 in Parks, Recreation & Open Space Plan)

0 0.1 0.2 0.3 Miles



Addendum C  
Parks and Community  
Services  
Property Acquisition Rating

Property under evaluation: \_\_\_\_\_ Rating Total: \_\_\_\_\_

Date of evaluation: \_\_\_\_\_

Rating completed by: \_\_\_\_\_

	Criteria	None	Low	Moderate	High
		0 Points	1 Point	2 Points	3 Points
1	<b>Consistency with PROS Plan:</b> Meets PROS Plan goals/policies. Located in an underserved area as identified in the PROS Plan and would help achieve target levels of service.	None.	Helps achieve service level but not in underserved area.	Close proximity to underserved area, helps achieve service level.	Identified in PROS plan, helps achieve levels of service.
2	<b>Need:</b> Area facing population growth, identified in a neighborhood plan, demand by local residents and/or adjacent to a current park/trail amenity such that it achieves defined levels of service.	None.	Growing area, future need.	Growing area, demand, helps achieve level of service.	Growing area, demand, in neighborhood plan, helps achieve level of service.
3	<b>Number of residents served:</b> Ability to serve a broad section of the Kirkland community or serves a broad base of a specific identified sub-section / neighborhood.	Duplicates services already available.	Serves a small section of intended population.	Serves large section of intended population.	Serves broad section of Kirkland or intended subsection /neighborhood.
4	<b>Location:</b> Located near a street frontage, located on an arterial street or collector, located adjacent to or near a school or public amenity such that it expands the current amenity or service level provided. Enhances or preserves a connected natural resource area or system.	Suboptimal location.	Future development could create more suitable conditions.	Location close to frontage, arterial, collector or other amenity.	Ideal location.
5	<b>Partnerships:</b> Possible partnership with the community and suitable for other public or private partnership.	None.	Minimal interest in partnering.	Partnership interest, nothing definitive.	Strong partnership potential with stated commitments.
6	<b>Site conditions such as size, configuration, topography:</b> Large enough to meet the intended use, configuration suitable to the intended use, topography suitable to the intended use. Varied topography enhances the aesthetic appeal or use.	Not a suitable match.	Significant compromises and/or cost necessary to match intended use with site conditions.	Site and intended use a match with small adjustments.	Site conditions match intended use.
7	<b>Accessibility and visibility:</b> Visible, easy to find and access. Ease of access by pedestrians/bikers, individuals with disabilities or motorists (as dictated by use).	Not accessible or visible.	Difficult to find and minimally accessible. Expensive to rectify.	Either easy to find or accessible. Appropriate site plan would address any issues.	Easy to find, fully accessible.
8	<b>Preserves and Protects Land:</b> Preserves endangered land, high ecological value resource, important habitat or wildlife corridor.	None	Sensitive area.	Endangered or high value area.	Endangered area, high value and wildlife habitat.
9	<b>Cost:</b> Willing seller, cost consistent with appraised value.	Too expensive, unwilling seller.	Challenges with seller or cost.	Market rate.	Willing seller, good price, strong value for cost.
10	<b>Funding:</b> Availability of capital and operational funding, suitable for grant consideration or private contributions available.	No funding available.	Funding may take a few years, extended agreement.	Capital funding, but no operational funding available.	Capital and operational funding available.

**Addendum D: Funding Chart****Proposed Funding For Acquisitions**

Wu purchase cost \$620,000

Smith purchase cost \$480,000

Richards purchase cost \$1,672,000

	2017	2018	2019	2020	2021	2022
Levy	\$360,000 -\$50,000 Wu -\$140,000 Smith -\$170,000 Richards	\$750,000 -\$702,000 Richards	\$600,000			
Impact Fees				\$734,000	\$1,035,000	\$1,135,000
King County Levy ( <i>Assuming renewal</i> )				\$230,000	\$230,000	\$230,000
REET						
Grants	\$285,000 -\$240,000 Smith					
Unconfirmed Grant	\$250,000 -\$250,000 Wu					
Reserves						
Previous Year Funding*	\$500,000 -\$200,000 Wu -\$100,000 Smith -\$200,000 Richards	\$0	\$48,000	\$648,000	\$0	\$1,265,000
Possible Property Sale	\$600,000 -\$600,000 Richards					
Private Funding	-\$120,000 Wu					
Total Available	\$1,995,000	\$750,000	\$648,000	\$1,612,000	\$1,265,000	\$2,630,000
Total Spent	\$1,950,000	\$750,000	\$0	\$1,612,000	\$0	\$2,630,000
Remaining Available	\$0 (\$45,000 of grant money remains unused but cannot be applied for other purposes.)	\$48,000	\$648,000	\$0	\$1,265,000	\$0

2020 – Target purchase year

2022 – Target purchase year

**Previous Year Funding**

- CPK1349000 REET 1, 2013 Open Space, Park Land, Trail Opportunity - \$100,000
- CPK1544000 REET 1, 2015 Open Space, Park Land, Trail Opportunity - \$100,000
- PK0049000 REET 1 Reserves, Open Space Grant Match - \$100,000
- PK0135200 Reserves, Juanita Heights Parks Expansion - \$200,000





CITY OF KIRKLAND  
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## MEMORANDUM

To: Kurt Triplett, City Manager  
From: Tracey Dunlap, Deputy City Manager  
Date: January 4, 2017  
Subject: Community Foundation Feasibility Study Results

### RECOMMENDATION:

Council receives the final consultant report from the Community Foundation Feasibility Study and a briefing on recommended next steps.

### BACKGROUND DISCUSSION:

In 2015, a working group of citizens, with the support of the Chamber/KDA and The Kirkland Parks Foundation, met and evaluated how a community foundation would impact Kirkland's charitable sector and improve the way funding needs are assessed and resources are deployed. The group also explored possible operational models and mission statements, and discussed the possibility of a foundation with community members. From these discussions, it became clear that an independent assessment of the feasibility of a foundation was the most effective way forward. In July 2016, the group approached the City of Kirkland and the City approved \$30,000 for the study, matched by \$10,000 raised by the community, for a total project budget of \$40,000. The \$10,000 matching contribution was received by the City in late March 2017 and a competitive procurement process was initiated to select a consultant to perform the study. The City entered into a contract with the selected firm, The Alford Group, in May 2017.

The centerpiece of **The Alford Group's** work was a series of interviews (33 interviews with 46 individuals) who live and/or work in Kirkland, represent nonprofit or corporate organizations, serve as elected officials or community leaders, and other stakeholders. The interviewees were identified and contacted by members of the Community Foundation Feasibility Study Committee, the members of which are listed in **Appendix B to the consultant's report (Attachment A)**. **This committee was led by co-chairs Kathy Feek and Darcy Nothnagle** and met three times to review the study approach, identify and prioritize potential interview candidates, and review study results.

In brief, the main question to be addressed by the study was whether a community foundation would be a valuable and viable resource for Kirkland. The summary conclusions are excerpted from The Alford Group's report as follows:

*"Would a community foundation be a valuable resource for Kirkland? Absolutely! A successful community foundation would strengthen the community and encourage local philanthropy. Kirkland is viewed as a first-class city, and would benefit from a successful, first-class community foundation.*

*Would a community foundation be a viable resource for Kirkland? This is a more difficult question to answer. It is clear that Kirkland residents love Kirkland, they are passionate about their*

community and they continually explore ways to maintain and enhance the quality of life they enjoy. Additionally, there is considerable wealth in the community as well as generous philanthropy.”

“The Alford Group recommends that the Kirkland community form a community foundation ONLY if it can secure adequate philanthropic resources (pledges) in advance of official formation.”

“The Alford Group recommends that the Kirkland community move forward by addressing important issues as outlined below:

1. Sunset both the Community Foundation Steering Group and the Feasibility Study Committee. Members should be acknowledged and thanked for moving the discussion forward...
2. Form a Task Force to review the Feasibility Study Report, and what it means for the future of a community foundation for Kirkland...
3. Identify cultivate and solicit a limited number of individuals willing to make leadership pledges sufficient to launch the community foundation...
4. Once the steps outlined above have been successfully completed, begin the process of officially forming a community foundation, as an independent community foundation or as a fund under another local community foundation...
5. It is premature to suggest an operating model for a potential community foundation in Kirkland. However, it is safe to say that the first two steps are to 1) hire a skilled and experienced executive director and 2) recruit a board of directors comprised of highly respected individuals who are representative of the community...”

More discussion of each step is provided in the report, but the overall path for the next steps is for the community to determine if there is sufficient grass-roots leadership and initial financial commitment to form a community foundation. The Feasibility Study Committee Co-Chairs will reach out to community members that expressed interest in volunteering and work to convene the recommended task force in late January/early February 2018 for further community exploration of the concept and options identified in the study report. The Feasibility Study Committee agreed that the ability for this community task force to convene and move forward will be an early indicator of the depth of commitment in the community.

The Alford Group consultants Wendy Hatch and JoAnn Yoshimoto will present a summary of the study results to the City Council and be available to answer questions. Our sincerest appreciation to the Steering and Study Committee members (listed in the Appendices A and B to the study report) for their participation and enthusiasm during the study process. In addition, CMO Executive Assistant Amy Bolen took the lead in scheduling the committee meetings and **The Alford Group’s** interviews, a challenging task at which she excelled.

# Feasibility Study Final Report

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Wendy Hatch, CFRE, Vice President  
JoAnn Yoshimoto, CFRE, Senior Consultant  
Amy Stone, MBA, Consultant

**December 2017**





## City of Kirkland Community Foundation Feasibility Study

### *Background*

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There are many wonderful communities in the Puget Sound region, and Kirkland is one of those at the top of the list. Located on the eastern shore of Lake Washington, the city of Kirkland prides itself on a strong sense of community, picturesque neighborhoods, and a desirable location for local startup companies and corporate enterprises.

Community residents are clear on one thing: Kirkland is an excellent place to live. In fact, in 2014, Money Magazine ranked Kirkland as the fifth best place to live in the US! The city is a pedestrian-friendly community abounding with art galleries, specialty shops and restaurants. It has beautiful natural amenities, abundant cultural opportunities, and a refreshing small-town atmosphere.

Since its founding in the late 1800s, Kirkland has grown into a city of over 85,000. The significant development taking place at Kirkland Urban and the Village at Totem Lake will bring new opportunities and additional residential growth. However, this growth is resulting in many of the same challenges faced by cities throughout the country: increased social, educational, environmental and other needs. Currently, there are over 100 not-for-profit organizations based in and/or located in Kirkland and dedicated to meeting the needs of the local community.

In 2015, a group of concerned community members and representatives of the Kirkland Chamber of Commerce, Kirkland Parks Foundation and Kirkland Downtown Association came together to explore the idea of forming a Kirkland Community Foundation and how such an entity might impact or augment the local not-for-profit sector. A year later, the City of Kirkland joined the endeavor, serving as the facilitator for continuing discussions.

In May 2017, the City of Kirkland (City) retained The Alford Group (counsel) to conduct a feasibility study with one primary objective: To answer the fundamental question of whether a community foundation would be a *valuable* and *viable* resource for Kirkland.

### *Feasibility Study Objectives*

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In order to determine whether a community foundation (CF) would be a *valuable* and *viable* resource for Kirkland, counsel sought to discover answers to the following questions:

- Would a community foundation be a valuable asset to Kirkland? Would it augment (or impact) other local nonprofits?
- Would a community foundation be attractive to prospective donors? Would there be sufficient support to launch and operate a community foundation?
- If so, how should a community foundation be operated and funded?



## *Feasibility Study Methodology*

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The Feasibility Study (Study) was conducted between May 2017 and December 2017. The Alford Group team that conducted the Study includes Wendy Hatch, CFRE, Vice President; JoAnn Yoshimoto, CFRE, Senior Consultant; and Amy Stone, MBA, Consultant. Jamie Phillipe, Vice President served of counsel. This report reflects the collective assessment of the team and is supported by The Alford Group’s extensive experience in not-for-profit management. Our team approach ensures that differing viewpoints were considered as the Study progressed and as the findings, analysis and recommendations were discussed.

The Alford Group guided the City of Kirkland (City) in establishing the Feasibility Study Committee, including: identifying and recruiting selected individuals to become the Committee Co-Chairs and members, facilitating Committee meetings, and educating Committee members about the study process and the role of volunteer leaders. The Committee met three times to help refine the Feasibility Study process, affirm the Case Prospectus, identify prospective individuals to interview, provide introductions for prospective interviewees as needed, review the draft Feasibility Study report, and make recommendations to the City of Kirkland.

Please note: References to the City of Kirkland appear as “City of Kirkland” or “City”. All references to “Kirkland” refer to the community of Kirkland, and not the City of Kirkland.

The Study’s methodology, findings and recommendations are included in this report. A few representative interviewee comments are included throughout this document. In selecting these quotes, The Alford Group made a concerted effort to present a balanced perspective of what was heard, while maintaining interviewee anonymity. Some quotes have been slightly paraphrased to improve readability.

It is important to note that some of findings and quotes included in this report represent *perceptions* and may not necessarily be rooted in, or reflective of verifiable fact. However, the adage *“perception is reality”* is particularly relevant when it comes to introducing a new concept such as a community foundation in the nonprofit, business and general community.

It was The Alford Group’s honor to work with the City of Kirkland and other community leaders on this important project, and we look forward to a continuing relationship as you chart your future course.

In order to conduct the Study, The Alford Group engaged in the following activities:

- Met with Tracey Dunlap, Amy Bolen and the Kirkland Community Foundation Steering Group to outline the process, define roles, establish timelines, and identify the Feasibility Study Committee Chair and members. (Please see Appendix A for the Kirkland Community Foundation Steering Group roster and Appendix B for the Feasibility Study Committee roster.)
- Provided a comprehensive Feasibility Study Guidebook that included a full description of the Study process, templates and samples of materials used in the Study, roles and responsibilities for the volunteers serving on the Study Committee and other items useful for the successful completion of the Study.



- Guided the City of Kirkland in establishing the Feasibility Study Committee (Committee) including: identifying and recruiting selected individuals to become the Committee Co-Chairs and members and facilitating Committee meetings. The Committee met three times to help refine the Study process, affirm the case prospectus, identify prospective individuals to interview, provide introductions for prospective interviewees as needed, review the draft Feasibility Study report, and make recommendations to the City of Kirkland.
- Created a case prospectus for distribution to interviewees in advance. This document was designed to summarize general information about community foundations and why one was being explored for the City of Kirkland. It was reviewed by the Feasibility Study Committee and revised accordingly. The final version was sent to interviewees prior to their appointments. (Please see Appendix C for the case prospectus.)
- Created a discussion guide to use during the interviews. The interview format was designed both to educate and cultivate the interviewee and to elicit opinions and perspectives on:
  - Familiarity and knowledge about the concept of community foundations
  - Appeal (**value**) of a potential community foundation for Kirkland
  - Major community and social issues for Kirkland
  - Potential leaders for future effort
  - Potential donors for future effort
  - Perceived **viability** of a community foundation for Kirkland
- Discussed the concept of a community foundation for Kirkland with 45 individuals (through 33 interviews) who live and/or work in Kirkland, represent nonprofit or corporate organizations, serve as elected officials, and are stakeholders in other capacities. (A complete list of interviewees can be found in Appendix D.)
- Explored emerging issues with the Feasibility Study Committee at the midpoint of the Study.
- Met in person and/or spoke by phone with key representatives of five community foundations to gain insight into several key areas. (A list of these community foundations and other comparative information can be found in Appendix E.)
- Prepared this final report including findings and analysis along with recommendations for moving forward. Additionally, The Alford Group prepared a stand-alone executive summary to send to interviewees and others as appropriate.

## ***Community Foundations – A Primer***

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When asked to provide thoughts about the general concept of forming a community foundation in Kirkland, interviewee response was decidedly mixed. Additionally, we found that there are very different perceptions (and misperceptions) by interviewees about what a community foundation is. Similarly varying perceptions were heard from a number of Community Foundation Steering Group and Feasibility Study Oversight Committee members.



While community foundations may differ in the manner in which they were formed, the types of donor and program-specific funds they manage, the community needs they support, and how they operate, most share several common characteristics as outlined below.

***If Kirkland moves forward to form a community foundation, it is imperative that those involved in its planning clearly understand what a community foundation typically is – and is not.***

These common characteristics are underscored by the National Standards for US Community Foundations (National Standards.) The National Standards is an accreditation program created by community foundations for community foundations. They are peer-driven, voluntary, and self-regulatory. To become accredited a community foundation must meet the 26 standards. The five overarching categories of the standards include:

- Mission, Structure, & Governance
- Resource Development
- Stewardship & Accountability
- Grantmaking
- Donor Relations

92% of the nation’s largest community foundations participate in the National Standards program, and there are currently 498 accredited community foundations in the United States alone. More information on the National Standards for US Community Foundations can be found in Appendix F.

### ***What a Community Foundation Typically Is***

Community foundations are tax-exempt not-for-profit fundraising and grant making entities, dedicated to improving the quality of life and solving issues within a defined geographic area.

Community foundations are meant to be engines for local philanthropy, and along the way, nourish the spirit of community philanthropy. Essentially, they gather, steward and share community resources. They “teach” philanthropy, build citizen engagement and demonstrate the power of collective effort. They provide technical expertise and services to help people invest their philanthropic resources wisely, and partner with professional advisors to create effective approaches to charitable giving.

They have missions that are broadly defined, often focusing on the most vulnerable in their communities. Many community foundations also support the arts, parks and recreation, animal welfare, and other causes beyond basic human services. They strive to make their respective communities stronger, more viable places, where individuals, families and businesses can thrive.

Community foundations play a key role in identifying and solving community problems. They serve as a neutral convener, bringing diverse opinions and players together for the good of the whole



community. They look at issues from a community wide perspective and how local agencies might solve those issues, occasionally issuing requests for proposals from local service providers to help meet the identified needs.

Community foundations help build a network of sustainable not-for-profit organizations; and invest in and support organizations that are fiscally sound and that have a positive and significant impact. They don't typically conduct service-delivery programs of their own, instead supporting new or existing programs implemented by other not-for-profit organizations.

Most community foundations carry out their mission by building endowments and permanent named funds for the long-term benefit of the Kirkland community. Others generate funds that are expended on a shorter time-frame. To establish and build these funds, community foundations partner with local donors who wish to support charities and causes important to them. Individuals, families, and businesses establish donor-advised funds which allow them to recommend that their charitable gifts support specific organizations or programs. Donor-advised funds can be either expendable (i.e., spent in their entirety) or endowed (i.e., the corpus of the fund is never spent and distributions are limited to the interest earned on the fund or on an amount determined by the foundation).

Other donors choose to make unrestricted gifts to community foundations. Community foundations often use unrestricted and other annual income to support a variety of local non-profit organizations through grants and special projects. See Appendix G for definitions of typical community foundation giving vehicles.

Community foundations are governed by local, volunteer boards of directors, comprised of community leaders and business professionals, and are managed by professional staff. Board members are chosen for their knowledge of the community, are people of influence and affluence, and are representative of a broad and diverse cross-section of the community. The members possess expertise in many areas of management necessary to carry out the stewardship functions of the foundation. It is important to note that CF board members do not bring their own agenda to the table; they work together for the betterment of the entire community.

### **What a Community Foundation Typically Is Not**

Among interviewees there were many differing views and misperceptions of what a community foundation is and could/should be. Interviewee perceptions follow, with clarifying information provided by The Alford Group in italics:

Perception: CFs are umbrella organizations that conduct comprehensive pooled fundraising for the community at-large and to fund local nonprofits. (The implication is that some nonprofits would no longer need to focus on their own fundraising efforts.)

*Clarification: CFs are nonprofit organizations, and they do raise funds to benefit the community. However, CFs do not conduct fundraising on behalf of the entire nonprofit community, they do not necessarily distribute all funds directly to local nonprofits, nor do they supplant the fundraising efforts of individual nonprofits.*



Perception: CFs are parallel organizations that raise funds for same issue areas as existing nonprofits. (The implication is that CFs are in direct competition with local nonprofits.)

*Clarification: With community input, the Board of Directors of a CF can identify priority issue areas broadly or narrowly, and support efforts that address those issue areas. CFs typically augment philanthropic activity in a given community. There is not an attempt to supplant the delivery of services by local nonprofits or their related fundraising efforts.*

Perception: A primary role of the CF would be to raise funds for municipal events. (The implication is that the Chamber of Commerce, Kirkland Downtown Association, and other groups that currently sponsor local community-wide events would no longer need to raise money on behalf of their events.)

*Clarification: A new community foundation can take whatever form is deemed most desirable and most effective by the group that forms the organization. It is possible, but not likely that a new CF would choose to assume responsibility for existing community events. In this case, a CF can only give funding to another 501(c)(3) organization. A CF would more likely be focused on efforts or approaches to community issues that are deemed to be the most pressing needs.*

Perception: CFs are *primarily* created to enable donors to establish donor-advised funds (DAFs).

*Clarification: The services of community foundations go far beyond simply establishing and managing DAFs. Community foundations work with local donors to assure effective philanthropy. They facilitate organized, systematic and targeted giving. Staff are highly familiar with the local non-profit community, often providing expanded giving opportunities donors may not find on their own. Donors who use community foundations most often are passionate about their community, they already have a strong sense of philanthropy, and the want to be thoughtful and strategic. People who don't want or need help with their philanthropy often go to one of several commercial entities (Vanguard, Fidelity and Schwab) that offer DAF services.*

Perception: A community foundation would take over human service and other grants currently funded by the City, therefore the City should be committed to a community foundation, and even demonstrate “skin in the game.”

*Clarification: A community foundation is an independent nonprofit organization, without oversight or control by any other organization. The City of Kirkland has already made an investment in a future community foundation by helping to launch and fund the feasibility study. There is no implicit relationship or expectation of significant support between a CF and municipal government, though a cooperative relationship is ideal and would best serve both parties. However, there are municipalities that establish donor-designated funds within their local community foundation, as long as it goes to a 501(c)(3).*

Perception: Why does a city of this wealth need another not-for-profit organization? Taxes should cover needs, and if they don't, why not raise taxes? (The implication is that the types of programs and activities CFs would support, are already supported by taxes.)

*Clarification: A community foundation typically serves a unique role in a community. Its efforts and activities are duplicative of neither government nor the not-for-profit sector. The role of **convener** – bringing together government, corporate entities, nonprofits and other stakeholders – is central to its reason for existing.*





## Feasibility Study Interview Findings

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The data tables presented in this report are based on interviewees' responses. Not all interviewees were asked all questions, and some interviewees declined to answer certain "rating" or quantitative queries. Therefore, the totals in the tables may not add up to the total number of interviewees. These results are not intended to be statistically valid, but rather to provide additional insight into the trends uncovered through the interview process.

### ***Overall Concept***

Interviewees were asked to quantify the value and viability of forming a community foundation. The following charts depict their response.

**Value** of a community foundation for Kirkland:

Generally in favor	Mixed	Not in favor
12	3	9

**Viability** of forming a community foundation for Kirkland:

Very Realistic	Somewhat Realistic	Somewhat Unrealistic	Very Unrealistic
3	14	4	1

Several individuals and potential partner organizations expressed strong interest and enumerated characteristics of community foundations that would benefit Kirkland.

*There are truly significant advantages to a community foundation.*

*I am in favor; I see the potential.*

*It would bring neighborhoods together.*

*Kirkland is a first-class town, it should have a first-class community foundation.*

*There is lots of philanthropy in the NW and Kirkland right now; it is highly likely this will succeed.*

Further, many interviewees opined that a community foundation for Kirkland needs to "start with substance," and not start slowly and over time try to become a significant asset to the community.

*We can't take 20 years to have it amount to something.*

*It has to get off the ground with enough significance to make it work; it can't be piece-meal.*

*If it doesn't launch in a big way, it won't amount to anything.*

However, the majority of respondents had significant questions – bordering on healthy skepticism – about the added value that a community foundation would bring to Kirkland. Others found the concept of a community foundation too unfamiliar and nebulous at this stage of the process.

*I'm not opposed, but I don't have a real sense of this. I'm just a curious passenger at this stage.*



*I think a small city doing something this big is ambitious.  
I don't know what's lacking in Kirkland that would point to the need for a CF.  
Is Kirkland big enough to warrant this?  
I don't get what role it would fill. Helping donors? I don't see the need to help philanthropists.  
I understand the concept but not the need for this community.*

Opportunities/Pros - When considering potential advantages, a significant number of interviewees immediately envisioned a “higher” role that could be filled by a community foundation. The concepts of convening and connecting the community around issues were articulated by many. Another major advantage was the opportunity for greater coordination of effort, resulting in greater impact.

*The role as a convener of the community around important issues is very appealing.  
I love the idea of the synergy that would result from coordinated efforts.  
Ideally a CF would be up-to-date and focused on issues affecting Kirkland.  
It would provide an overall better sense of the needs and potential solutions.  
Kirkland Community Foundation would be focused on Kirkland - Seattle Foundation tries to be regional.*

A few interviewees understood the role that CF have in helping local donors support those causes and organizations most important to them.

*People resonate with things that touch their lives; this is the benefit of a community foundation; it can offer us something for everyone.  
It can connect {donors} with many community giving options.  
It provides opportunities for legacy giving.  
It will give people with capacity meaningful ways to engage.*

Some interviewees envisioned that a CF could help strengthen the not-for-profits that exist in Kirkland.

*With a CF partnering with all the local nonprofits, imagine the dials we could move!  
It would be another funding source.  
It would be good to have greater coordination.  
A CF could be a clearing house, or a conduit for all not-for-profits to promote themselves.  
A CF could enable, augment, and encourage – but not replace – other nonprofits.  
It must have a role of creating capacity within non-profits in Kirkland.  
It could help smaller non-profits learn how to raise money.*

Challenges/Cons - Few, if any individuals, were outright opposed to the idea of exploring the formation of a community foundation for Kirkland. However, the majority of interviewees provided words of caution as well as a lengthy list of characteristics that should be avoided.

*You would have to convince me that a CF would bring something new to Kirkland.  
A CF can't be a direct alternative to annual funding. We must grow the total pie.  
Might it just redistribute existing donor dollars?  
Don't want to create a perpetual funding source for regular non-profits.  
I would not be in favor if a CF duplicated other efforts. For example, there are many options for creating donor-advised funds (DAFs).  
It must take on programmatic efforts that others are not; it cannot duplicate efforts.  
It would just create more administrative overhead for yet another non-profit.*





*You must overcome the strong emphasis by many that arts are the only thing in Kirkland.  
Can a new one compete with the Seattle Foundation, their fees are so low.  
You need buy-in of all of the groups or it will be a struggle.*

A number of interviewees opined that a regional eastside foundation should be considered.

*Many civic and non-profits see beyond Kirkland; we are looking regionally.  
People downtown think about the boundaries; everyone else looks further.  
Look who is in the Kirkland Chamber as compared to the Seattle Chamber - big companies go to big chambers; they  
relate to a larger regional vision.  
Needs and solutions are regional.  
Are there problems that stop and start at Kirkland border?*

### **Needs/Issues Affecting Kirkland**

When asked to identify the top two or three needs or issues affecting Kirkland, many interviewees just didn't "see" the needs that a community foundation might address.

*I understand the concept but not the need for the community.  
I would love to/ need to know what the needs are in the community.  
You need to convince me that you are solving a problem that actually exists. I don't see the need.  
For you to tell me there is a homeless problem (for example), and I see no evidence of it, then it is a tough sell.  
It seems like we've started with the idea of forming a CF before identifying the needs it could meet.*

With further probing from counsel, two "clusters" of responses relating to community needs emerged. The first being rapid growth, including concerns about congestion, traffic, transportation, parking, and infrastructure; and the dwindling inventory of affordable housing. Most interviewees, but not all, recognized that these two issues are regional in nature and are the domain of government and business/developers.

*Kirkland is still a wonderful community in spite of the rapid growth in recent years.  
I love living here, but I try to avoid downtown because of the congestion.  
I know there's a new development coming on line that will create more commercial space and parking.  
Good transportation within Kirkland and between areas is important but lacking.*

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*Housing affordability is huge. Responsible employers want to know that employees can afford to live near where they  
work, and that's not currently the case.  
Housing in Kirkland should be affordable for the elderly, younger people, not only the wealthy.  
There are nonprofits that help with transitional housing, but who's looking after affordable housing?  
I personally can't do anything about affordable housing, but I support local organizations that help people move from  
homelessness into transitional housing. That's a start, but it's not the answer to our housing problem.*

The next most often mentioned community need was arts and parks. Many noted that arts and public parks have been a major focus of philanthropic efforts in Kirkland for many decades. A few commented that it is in fact the quintessence of Kirkland.

*I can't imagine Kirkland without a vibrant arts culture.  
Our community has invested so much in wonderful public parks, and will continue to do so.*



*We must figure out how to keep the Kirkland flavor but make it attainable for all.*

Following the above-mentioned issue areas, homeless/poverty and a variety of human service issues including at-risk youth, drugs and crime, were mentioned as needs that exist in Kirkland. However, these needs were portrayed in an interesting light: most people indicated that these issues “must exist,” but noted that they are not directly impacted by them. Interviewees further noted that their support of local nonprofits is their way of addressing these types of concerns.

*I know it exists, but I don't really see it.*

*As a community we need to identify and better address social problems (hunger, homelessness, domestic violence).*

*It could help with poverty, homelessness, and people on the margins.*

*There are some very effective nonprofits that address a range of human service issues. Those organizations are among my top philanthropic priorities.*

When asked what the programmatic priorities of a potential community foundation could/should be, interviewees offered a variety of ideas including infrastructure (economic development, transportation, and housing), education, arts and parks, and human services.

*Everything is interconnected – economic development, transportation, education, and housing; if these four are resolved, some of the other problems will/might go away.*

*Arts; I can't imagine a CF not having a focus on the arts.*

*It could support downtown commerce, neighborhoods and the arts – these are all great but not a priority.*

While not directly relevant to the question of the value and viability of a community foundation, interviewees were asked to provide three words or phrases to describe Kirkland. Their collective response is illustrated by the following word cloud:



## **Potential Support: Volunteer Leadership and Financial Support**

Interviewees offered a few opinions about potential volunteer leadership of a CF.

*A community foundation board has tremendous responsibility.*

*This is Kirkland; we are a community replete with phenomenally talented, creative and dedicated individuals. Governance is critically important. The board must have high, high credibility; I might not trust a new foundation.*

Interviewees were asked to suggest names of individuals whom they believe would be ideal volunteer leaders for the process of forming a community foundation. Several respondents suggested ideal characteristics of potential leaders, adding that this region provides many viable choices.

When asked if they were willing to entertain further conversations about becoming involved in a volunteer capacity, the majority of interviewees who answered the question indicated “yes” or “maybe” as shown in the table below. Counsel had conversations with a handful of individuals who expressed great enthusiasm for the concept and willingness to remain/become involved if the concept moves forward.

Possible Volunteer Involvement	Yes	Maybe	No
	18	5	1

Interviewees were asked to indicate their likelihood to support the launch of a community foundation, with a personal gift. Many interviewees were reluctant to give a definitive reply, noting that the concept was still very much in the formative stage. Yet, the majority of respondents who did answer the question, indicated that they were “very likely” or “somewhat likely” to support a future effort, as shown in the table below. Almost all interviewees were hesitant to discuss (or counsel deemed it premature to inquire about) a level of support they might consider.

Very Likely to Support	Somewhat Likely to Support	Somewhat Unlikely to Support	Very Unlikely to Support
7	9	5	1

In addition to indicating their own willingness to support a future effort, interviewees provided names of community members whom they believe have the capacity and possibly the inclination to get involved, once they learn more.

## **Comparative Foundation Information**

Counsel met in person and/or spoke by phone with key representatives of five community foundations to gain insight and comparative information in several key areas. The CFs were selected on the basis of size, location, year founded and other key characteristics, in an attempt to garner the most relevant information for comparative purposes.



General shared characteristics include the following:

- Started in the 1990s
- Did not become meaningfully active until full-time professional executive director was engaged
- Agree that there is an advantage to having early donors to give significant gifts to launch the effort
- Have total assets of \$11 – 13 million
- Have 45 – 75% of their funds in donor-advised funds
- Require a minimum of \$10,000 to \$25,000 to establish a fund

Please see Appendix E for more information.

***Important Consideration:***

The Renton Community Foundation is launching an initiative to formally assist other municipalities to form a community fund/foundation under the umbrella of their foundation, while allowing the new entity to largely maintain its own branding. This assures that a new effort, such as the one Kirkland is exploring, would have the expertise, infrastructure and time to either “incubate” or permanently establish a community fund under the umbrella of the Renton Regional Community Foundation.

## ***Feasibility Study Analysis***

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### ***Overall Concept***

There was mixed response about the **value** of forming a community foundation for Kirkland. Some were very much in favor, others lukewarm, and a few did not see a need to form one.

At the same time, interviewees were generally positive about the **viability** of forming a community foundation for Kirkland. Counsel clearly heard several factors that indicate viability: there is a strong sense of community in Kirkland; a number of large locally-based businesses are located and “invested” in Kirkland; there are many local families with financial capacity, as well as many individuals who are already known for their generous philanthropy.

As mentioned earlier, ***if Kirkland moves forward to form a community foundation, those involved in shaping the organization must build consensus around the ultimate vision of the foundation.*** The divergent expectations that various stakeholders have for a community foundation need to be addressed and resolved.

For example, some expect a CF to target priorities as determined by the City, Chamber, Downtown Association and existing non-profits. As noted above, the vision for a community foundation is determined and articulated by its founders and leaders. Furthermore, donor-advised funds, for example, are utilized to support those causes that individual donors wish to support, whatever they may be.



Another example is the expectation that a community foundation will consolidate and diminish the need for fundraising efforts for municipal or community events, thereby reducing the number of requests to local businesses and individuals. While there may be ways a community foundation can be structured to help with community events, as one interviewee wisely said, “Be careful what you wish for.” Event organizers seeking funds for community events will lose control of their own fundraising destiny if they rely on a community foundation to raise their funds and determine the level of funding support they receive.

Once consensus is achieved around the vision of the community foundation, it will be critically important to conduct significant education of community members, potential donors, nonprofit leaders and others about the foundation’s purpose, how it will benefit the community and how it will be funded. They will need to communicate to various stakeholders that a community foundation will:

- Increase the philanthropic pie, not simply redistribute existing philanthropic dollars; that it will unlock philanthropic dollars that otherwise wouldn’t be given
- Help local residents make strategic decisions about their philanthropic giving
- Focus on legacy giving
- Strive to convene appropriate stakeholders to address issues that transcend any one organization
- Create mechanisms to strengthen the local non-profit community
- Not duplicate programmatic efforts of other non-profits
- Not compete with the fundraising efforts of other non-profits

### **Needs/Focus**

As mentioned earlier, community foundations typically have broad missions. Each community has the opportunity to tailor a foundation to meet its unique needs, and each donor has the opportunity to direct his/her giving in a way that best accomplishes his/her philanthropic objectives.

Community foundation giving through DAFs and unrestricted funds often focus on supporting the most vulnerable in their communities. However, many also support the arts, parks, and recreation, animal welfare, the environment, and other causes beyond basic human services. While municipal infrastructure (which is not really in the purview of most community foundations) elicited the strongest response from interviewees, there are many other issues and interests affecting Kirkland. However, it was striking to note that many interviewees couldn’t readily articulate local needs that exist in Kirkland beyond infrastructure, arts and parks. While some people said they intuitively know that human service needs exist, but they didn’t experience them first-hand; others questioned whether sufficient needs exist to justify the formation of a community foundation.

Demographic information suggests that major community needs do indeed exist in Kirkland. The key will be to inform and educate Kirkland residents about those needs, whether or not they “see” them. For example, the percentage of students eligible for free and reduced lunches is often an



indicator of other social needs that likely exist. Of the 15 elementary schools in Kirkland, ten have student populations ranging from 4% to 40% that qualify for free or reduced lunches; five of the six middle schools range between 2% to 36%; and all five of the high schools range from 2% to 33%.

Those engaged in moving the concept forward will need to work together to identify the types of funding choices available to local donors, and the types of community issues it wants to help address. In essence, **if the Kirkland community moves forward to form a community foundation, community leaders will have the responsibility to define and shape its purpose and function.**

### **Volunteer and Financial Leadership**

The concept of forming a community foundation for Kirkland has a number of passionate advocates, some with significant financial capacity and/or influence with those who do. However, there isn't sufficient evidence of volunteer leadership or financial support at this time to recommend that Kirkland move directly forward to form a community foundation in the immediate future.

**Early planners must identify, educate and engage additional highly respected and influential community members to lead the charge of forming a community foundation. Additionally, early planners must identify, cultivate and solicit philanthropic investment sufficient to launch an impactful organization befitting the community of Kirkland.**

### **Feasibility Study Summary and Next Steps**

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The Alford Group was tasked with answering the fundamental question of whether a community foundation would be a valuable and viable resource for Kirkland, in the short-term as defined by three years, and in the long-term as defined by ten years.

**Would a community foundation be a valuable resource for Kirkland?** Absolutely! A successful community foundation would strengthen the community and encourage local philanthropy. Kirkland is viewed as a first-class city, and would benefit from a successful, first-class community foundation.

**Would a community foundation be a viable resource for Kirkland?** This is a more difficult question to answer. It is clear that Kirkland residents love Kirkland, they are passionate about their community and they continually explore ways to maintain and enhance the quality of life they enjoy. Additionally, there is considerable wealth in the community as well as generous philanthropy.

As mentioned earlier, community foundations differ widely in the manner in which they are formed and how long it takes to reach a level of "significance." From starting as an all-volunteer effort with few financial resources, to establishing an operating corpus with significant gifts from founding donors, there is no *right* way to form a community foundation.

**The Alford Group recommends that the Kirkland community form a community foundation ONLY if it can secure adequate philanthropic resources (pledges) in advance of official**





***formation.*** This recommendation is reinforced by the majority of community foundations with whom we spoke. The following comment was representative of most:

*Younger, newer community foundations are successful only when they start with an angel investor or founding families **and** an effective fundraiser on staff. Without either of these conditions, a new community foundation will not flourish.*

The Alford Group recommends that the Kirkland community move forward by addressing important issues as outlined below:

1. Sunset both the Community Foundation Steering Group and the Feasibility Study Committee. Members should be acknowledged and thanked for moving the discussion forward.
2. Form a Task Force to review the Feasibility Study Report, and what it means for the future of a community foundation for Kirkland. The Task Force should include interested members of the Community Foundation Steering Group, the Feasibility Study Committee, interviewees and other stakeholders. Carefully consider members with influence and affluence, and designate ad hoc leaders.

Meeting over a period of several months, these discussions should have a defined goal and timeframe for addressing all the major issues raised above and arriving at 1) a decision about whether to proceed with forming a community foundation; and 2) consensus around a preliminary focus or focus areas; and 3) identifying educating and engaging initial volunteer leadership (preferably co-chairs) to lead the effort for forming the community foundation. These discussions should be facilitated by an impartial consultant who can contribute background information about CFs and assure that all points of view are heard.

Create a clear and unified understanding about what a community foundation is, and shape the vision and purpose of the Kirkland Community Foundation to best meet the unique needs of the Kirkland community.

Establish a funding plan for moving forward.

The Task Force work will be relatively quiet. Once major decisions begin to coalesce, careful and strategic communication and education can begin. Start with community opinion leaders and key nonprofit leaders, in a very strategic, very thorough, and very consistent approach. This will be important in defusing confusion or even opposition, and achieving buy-in from key individuals and groups. This is also an important first step to cultivating potential early major investors.

3. Identify cultivate and solicit a limited number of individuals willing to make leadership pledges sufficient to launch the community foundation. It is recommended that \$2 million be pledged for an operating endowment that will be used to hire an executive director and fund startup and ongoing operations in perpetuity. An alternative is to secure \$2 million in that is temporarily restricted for three to five years to hire an executive director and fund operations. Following this timeframe, the funds can be released for the purpose designated by the donor. A final alternative is to secure \$500,000 in unrestricted funds to hire an executive director and fund initial operations for two to three years.



4. Once the steps outlined above have been successfully completed, begin the process of officially forming a community foundation, as an independent community foundation or as a fund under another local community foundation. If Kirkland chooses to form a new independent community foundation, the leadership group will need to enlist the services of a nonprofit, legal and accounting counsel to guide them through this process. If Kirkland chooses to start (or “incubate”) a “Kirkland Community Fund” within an existing community foundation, much of the legal, accounting and program support will be provided by the umbrella community foundation.
5. It is premature to suggest an operating model for a potential community foundation in Kirkland. However, it is safe to say that the first two steps are to 1) hire a skilled and experienced executive director and 2) recruit a board of directors comprised of highly respected individuals who are representative of the community.

## ***Conclusion***

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The Alford Group would like to extend a sincere thanks to the Feasibility Study Committee for their guidance and insight regarding this project. Special acknowledgement is due Kathy Feek and Darcy Nothnagle for their leadership as Co-Chairs. We also wish to acknowledge Tracey Dunlap and Amy Bolen for their considerable efforts in coordinating and scheduling interviews. Finally, this Study would not have been possible without the participation and contributions of the interviewees.

We look forward to a continuing relationship with volunteer and staff leaders of this nascent effort as you work toward making a greater impact on the Kirkland community through philanthropy.





## ***Appendix A: Kirkland Community Foundation Steering Group***

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### ***Steering Group Members***

**Barbara Collins Young** – Executive Director, Kirkland Downtown Association

**Claire Bruining** – Board Member, Kirkland Downtown Association

**Ellen Miller-Wolfe** – Economic Development Manager, City of Kirkland

**Jessica Beck** – Kirkland Chamber of Commerce

**Kathy Feek** – Community Member-at-Large

**Kevin Raymond** – City Attorney, City of Kirkland

**Kristen Gonzales** - Board Member, Kirkland Downtown Association

**Michael Cogle** – Deputy Director of Parks and Community Services, City of Kirkland

**Michael Olson** – Director of Finance and Administration, City of Kirkland

**Sally Otten** – Executive Director, Kirkland Parks Foundation

**Samantha St. John** – Executive Director, Kirkland Chamber of Commerce

**Tom Neir** – former Board Member, Kirkland Parks Foundation

**Tracey Dunlap** – Deputy City Manager, City of Kirkland



## **Appendix B: Community Foundation Feasibility Study Committee Members**

### **Committee Chairs**

**Kathy Feek, *Co-Chair*** – Community Member-at-Large

**Darcy Nothnagle, *Co-Chair*** – Head of Data Center Community Affairs, Head of External Affairs, Northwest, Google

### **Committee Members**

**Jessica Beck** – President, Kirkland Chamber of Commerce

**Claire Bruining** – Board Member, Kirkland Downtown Association

**Laurene Burton** – Executive Director of Governance and Community Affairs, Evergreen Health

**Joe Castleberry** – President, NW University

**Jeni Craswell** – Development Director, Hopelink

**Tracey Dunlap** – Deputy City Manager, City of Kirkland

**Brett Johnson** – Dealer, Lee Johnson Auto

**Tod Johnson** – President, Lee Johnson Auto

**Jawad Khaki** – Director, IMAN Center; retired Microsoft executive

**Cheri Kilty** – Executive Director, Attain Housing

**Margaret Meister** – CFO, Symetra

**Ellen Miller-Wolfe** – Economic Development Manager, City of Kirkland

**Scott Morris** – Chair, Finn Hill Neighborhood Alliance

**Tom Neir** – former Board Member, Kirkland Park Foundation



## *Appendix C: Case Prospectus*

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THE ALFORD GROUP



### *A Community Foundation for Kirkland?*

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There are many wonderful communities in the Puget Sound region, and Kirkland is one of those at the top of the list. Located on the eastern shore of Lake Washington, the city of Kirkland prides itself on a strong sense of community, picturesque neighborhoods, and a desirable location for local startup companies and corporate enterprises.

Community residents are clear on one thing: Kirkland is an excellent place to live. In fact, in 2014, Money Magazine ranked Kirkland as the 5th best place to live in the US! The city is a pedestrian-friendly community abounding with art galleries, specialty shops and restaurants. It has beautiful natural amenities, abundant cultural opportunities, and a refreshing small-town atmosphere.

Since its founding in the late eighteen hundreds, Kirkland has grown into a city of over 85,000. The significant development taking place at Kirkland Urban and the Village at Totem Lake will bring new opportunities and additional residential growth. However, this growth is resulting in many of the same challenges faced by cities throughout the country – increased social, educational, environmental and other needs. Currently, there are over 100 not-for-profit organizations dedicated to meeting the needs of the local community.



In 2015, a group of concerned community members and representatives of the Kirkland Chamber of Commerce, Kirkland Parks

Foundation and Kirkland Downtown Association came together to explore the idea of forming a Kirkland Community Foundation and how such a foundation might impact or augment the local not-for-profit sector. A year later, the City of Kirkland joined the endeavor, serving as the facilitator for continuing discussions.

These early discussions led to engaging The Alford Group, a nationally recognized consulting firm serving the non-profit sector, to conduct an independent assessment of the idea of forming a Kirkland Community Foundation. The goal of the assessment is to answer the fundamental question:

***Would a community foundation be a valuable and viable resource for Kirkland?***





## *Community Foundations – What Are They?*

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The first community foundation in the United States was The Cleveland Foundation, founded in 1914 by banker and attorney Frederick H. Goff. His vision was to pool the charitable resources of Cleveland’s philanthropists, living and dead, into a single, great, and permanent endowment for the betterment of the city... to fund “such charitable purposes as will make for the mental, moral, and physical improvement of the inhabitants of Cleveland.” Within five years, community foundations had sprung up in Chicago, Boston, Milwaukee, Minneapolis and Buffalo, NY.

Today, community foundations are a global phenomenon with 1,680 existing around the world, and more than 750 in the United States. Collectively they manage more than \$72.4 billion in assets and distribute more than \$7.6 billion annually to improve the lives of people in their communities. Community foundations vary widely in asset size, ranging from less than \$100,000 to more than \$1.7 billion.



Community foundations are tax-exempt not-for-profit fundraising and grant making entities, dedicated to improving the lives of people and to solving issues within a defined geographic area.

Community foundations may differ in the manner in which they were formed, the types of programs they support, and how they are operated. However, most typically share several common characteristics. They:

- Have missions that are broadly defined, often focusing on the most vulnerable in their communities. Many community foundations also support the arts, parks and recreation, animal welfare, and other causes beyond basic human services.
- Strive to make their respective communities stronger, more viable places, where individuals, families and businesses can thrive.
- Help build a network of sustainable not-for-profit organizations; and invest in and support organizations that are fiscally sound and that have a positive and significant impact.
- Don’t typically conduct service-delivery programs of their own, instead supporting new or existing programs implemented by other not-for-profit organizations.
- Play a key role in identifying and solving community problems, and serve as a neutral convener, bringing diverse opinions and players together for the good of the whole community.
- Provide technical expertise and service to help people invest their philanthropic resources wisely, and partner with professional advisors to create effective approaches to charitable giving.
- “Teach” philanthropy, building citizen engagement and demonstrating the power of collective effort.



Unlike corporate foundations that are funded by corporate annual profits, and family foundations that are funded by personal assets, community foundations have no "built-in" source of revenue. They must raise money in order to make grants to the not-for-profit organizations they support and to fund general operations of the foundation. As a result, community foundations seek philanthropic support from members of their local communities.

Individuals, families, and businesses can make unrestricted gifts to community foundations and they can also establish donor-advised funds which allow them to recommend that their gifts support specific organizations or programs. Donor-advised funds can be either expendable (i.e., spent in their entirety) or endowed (i.e., the corpus of the fund is never spent and distributions are limited to the interest earned on the fund or on an amount determined by the foundation).

Community foundations are governed by local, volunteer boards of directors, comprised of community leaders and business professionals, and are managed by professional staff. Board members are chosen for their knowledge of the community and are representative of a broad and diverse cross-section of the community.



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## *An Important Inquiry*

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A significant part of the assessment is having The Alford Group meet one-on-one with key members of our community to gather insights about Kirkland, the local not-for-profit sector, and the concept of community foundations. Your input will be important as we evaluate the possibility of forming a community foundation to benefit Kirkland. Thank you for agreeing to meet with a representative of The Alford Group to share your thoughts and comments.

**We are grateful for your participation!**



## ***Appendix D: Interviewees***

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**Spike and Carol Anderson**

**Bill and Becky Ballentine**

**Scott Becker**

**Mary-Alice Burleigh**

**Eric Campbell**

**Joseph Castleberry, MD**

**Santos and Sue Contreras**

**Jeni Craswell**

**Doug Davis**

**Don and Merrily Dicks**

**Kathy and Jim Feek**

**Bill and Kristen Finkbeiner**

**Ryan James**

**Jawad Khaki**

**Walt Krueger**

**Dawn Laurant**

**Bob and Sue Malte**

**Amy Morrison-Goings**

**Neal Myrick**

**Bea Nahon**

**Emily Newcomer**

**Darcy Nothnagle**

**Brenda Nunes**

**Kae Peterson and Teddy Overslee**

**Glenn and Sandy Peterson**

**Susan Raunig**

**Sandeep Singhal**

**Rep. Larry Springer**

**Julie Taylor**

**Dave and Judy Thompson**

**Marie McCauley and Steve Weed**

**Peter Wilson**



**Bill and Joanne Woods**








## Appendix E: Comparative Foundation Information

Statistical information contained in this appendix are approximate as they were gleaned from conversations with community foundation staff.

Other Community Foundation Information		
<b>Founding</b>		
<b>Year the foundation was formed</b>	1993 formed 1999 meaningfully active	2001 2005 meaningfully active
<b>How/how much raised to launch</b>	8 founding families giving \$250,000 each – took 5 years	\$172,000 from illiquid assets, essentially nothing
<b>Overall Funds</b>		
<b>Total Assets</b>	\$25 million (significant recent growth due to DAF additions)	\$12 million
<b>Total assets in DAFs</b>	50 – 55% of total	70 – 75% of total
<b>Funds</b>		
<b>Including all types of funds listed in Appendix G and more</b>	107 (Most DAF all are endowed or quasi endowed)	40 (People have multiple DAFs; many are not endowed)
<b>Minimum \$ to establish DAF</b>	\$25,000	\$10,000
<b>Staffing</b>		
<b>Total staff</b>	6.5 FTE	4 FTE; going to add 5 <sup>th</sup> for community leadership in 2018
<b>Types/focus</b>	Executive Director; DAF stewardship and NFP building capacity; Development; Community engagement/grant making; Special projects; Administrative; Financial	Executive Director; Development; Finance; Grant making; Administrative
<b>Grants</b>		
<b>Areas of interest/program priorities</b>	Arts & Culture, Community Impact, Education, Environment, Health & Wellness, Human Services	Affordable Housing, Human Services, Youth Sports
<b>Proactive community issues/convening agent</b>	Yes – NFP agency capacity building	Yes – NFP agency capacity building; affordable housing; disaster preparedness
<b>Grants given each year</b>	\$1.5 million* more consistent as most funds are endowments or quasi endowments.	\$650,000 – 2 million* greatly fluctuates as many funds not endowed and expended
<b>Other</b>		
<b>Fees</b>	2% for investments 1.75 for NFP funds	1.25% for DAFs and scholarship funds; 1.05% for designated funds and agency funds. Minimum annual administrative fee: \$250. Investment fees average 0.80% of total market value.
<b>Suggestions/advice do you have for them as they move forward with this inquiry?</b>	Needs to be a real commitment to fund the community foundation - small ones often struggle just to find salaries let alone needs of the community;	It is an extraordinary advantage if you have founding families; Donor intent is the bible of a community foundation;
<b>Additional Information</b>	<ul style="list-style-type: none"> <li>Started out as Everett Parks Foundation, transitioned into Greater Everett Community Foundation and recently transitioned into Community Foundation of Snohomish County; don't do much annual fundraising</li> </ul>	<ul style="list-style-type: none"> <li>Volunteer leadership was key to getting it going;</li> <li>A CF should be beloved and respected by everyone but it takes time to make this happen;</li> </ul>



Other Community Foundation Information			
<b>Founding</b>	Founding		
<b>Year the foundation was formed</b>	1993; 1999 first part-time ED 2012 meaningfully active	1999 from the Chamber Foundation 2006 meaningfully active	2007
<b>How/how much raised to launch</b>		\$250,000 in restricted dollars from Chamber Foundation	Long-term residents provided startup operating grants totaling \$1 million to be used over 5 years to hire professional staff and start foundation.
<b>Overall Funds</b>	<b>Overall Funds</b>		
<b>Total Assets</b>	\$11.5 million	\$11 million Most are expendable	\$13 million 77% not endowed, 23% endowed
<b>Total assets in DAFs</b>		Over 65% of total	42% of total – they encourage people with DAFs to make them quasi-endowed
<b>Funds</b>	<b>Funds</b>		
<b>Including all types of funds listed in Appendix G and more</b>	85	54	80
<b>Minimum \$ to establish DAF</b>	\$5,000, but fund must reach \$10,000 within 3 years. Nonpermanent (aka pass-through funds) do not have a minimum.	\$10,000	\$25,000
<b>Staffing</b>	<b>Staffing</b>		
<b>Total staff</b>	4 FTE; 4 additional project staff (for which Foundation is fiscal agent)	1.75 FTE	7 FTE
<b>Types/focus</b>	Chief Executive Officer; Funds and grants; Communications Administrative	Executive Director; Part-time assistant; Part-time bookkeeper	Executive Director; Program; Fundraising – 2; Communications; Donor services/finance; Project staff for one specific fund (fiscal agent); Additional part-time
<b>Grants</b>	<b>Grants</b>		
<b>Areas of interest/program priorities</b>	One small community benefit fund		Solomon Fund (their own community benefit fund), non-profit education, giving day and guide, capacity building, cradle to career, mental health and substance abuse
<b>Proactive community issues/convening agent</b>	Yes – Community wide collective impact program; NFP agency capacity building;	No	Yes – NFP capacity building, just starting mental health and substance abuse work
<b>Grants given each year</b>			\$2M with around 520 grants given
<b>Other</b>	<b>Other</b>		
<b>Fees</b>	1-1.5% depending on fund	1-3%; 5% for short-term pass-through	
<b>Suggestions/advice do you have for them as they move forward with this inquiry?</b>	<ul style="list-style-type: none"> <li>Should only do if they have donors to capitalize</li> </ul>	<ul style="list-style-type: none"> <li>Only reason we are successful is because they hired professional staff 12 years ago</li> </ul>	<ul style="list-style-type: none"> <li>Be active in the community - a problem solver. Powerful to convene about big issues; if a CF isn't creating cross-sector partnerships or its own initiatives, why should it exist when there are places like Fidelity?</li> <li>Want to evolve away from saying "yes" to all sorts of funds. Find it hard to say no to big-hearted people when it's not the right fund or idea for the foundation/community.</li> </ul>
<b>Additional Information</b>	<ul style="list-style-type: none"> <li>Genesis: 4 women started an endowment for education; took 6 years to figure out direction;</li> <li>hired part-time ED in 1999;</li> <li>didn't have a strong vision for itself until hired full time ED in 2012;</li> <li>They run Kitsap Great Give; it gives them credibility and visibility;</li> <li>Kitsap Parks Foundation is forming under the Kitsap CF.</li> </ul>	<ul style="list-style-type: none"> <li>They sponsor a giving day where donors can add to existing DAFs.</li> </ul>	<ul style="list-style-type: none"> <li>Building the board: They were careful to build a board in the beginning that had familiar nonprofit faces, not necessarily those with capacity; done strategically to help build trust of the organization quickly.</li> <li>Current campaign: Original plan of building an endowment didn't get traction; now in quiet phase of endowment campaign.</li> </ul>



## ***Appendix F: National Standards for U.S. Community Foundations***

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Community foundation leaders take seriously their role and commitment to serve and support their communities. To demonstrate this to lawmakers and the people in their communities, they came together, in the late 1990s, to create an accreditation program. Executed with rigor and expertise, this program was designed to demonstrate the willingness of community foundations to go above and beyond what the law requires to ensure accountability and compliance with legal requirements and to avoid legislation that would require further regulation and oversight by a body that had difficulty distinguishing the important nuances of community foundation work.

The National Standards for U.S. Community Foundations® (National Standards) is an accreditation program created by community foundations for community foundations. They are peer-driven, voluntary, and self-regulatory.

The National Standards accreditation program fosters excellence in community philanthropy in two ways.

1. It establishes strict standards for this subset of organization to adhere to in order to be recognized as nationally accredited, operationally sound community foundations.
2. It guides community foundation staff and boards through the process of achieving operational excellence by undergoing a rigorous review of internal documents, policies, and operations by experienced peer and legal reviewers who are vetted and trained to ensure the highest quality review.

The accreditation program is for community foundations only. Unlike private or corporate foundations which typically receive resources from a single source (e.g. a family or a company), community foundations are supported by a broad base of community members who bring together and leverage the financial resources of individuals, families, and businesses in support of people in the communities they serve. Community foundations that receive accreditation have met specific benchmarks for quality in operations and service that help distinguish them from entities providing similar services.

Accreditation signifies that a community foundation:

- **Is Accountable** - The IRS tax code is long and complicated. National Standards accreditation shows that a community foundation not only exceeds federal requirements, but uses best practices for recordkeeping, reporting, and making prudent investments.
- **Is Responsive** - An accredited community foundation is nimble and creative in responding to community needs, and only uses funds for qualified charitable purposes.
- **Has integrity** - Accreditation demonstrates a community foundation manages its operations and assets independent from third-party influence.
- **Is equitable** - Community foundations that achieve National Standards accreditation have proven their resources represent the diversity of citizen support.
- **Is engaged** - National Standards accreditation emphasizes the connectedness, commitment, and leadership of a community foundation to those it works with and supports.





The accreditation process is rigorous, and undertaking it demonstrates a community foundation's commitment to accountability and excellence to its donors, its community, policymakers, and the public.

To become accredited a community foundation must meet the 26 standards. The five overarching categories of the standards are listed below. The 26 full standards follow.

- Mission, Structure, & Governance
- Resource Development
- Stewardship & Accountability
- Grantmaking
- Donor Relations

### **Mission, Structure, & Governance**

1. Meeting the Definition of a Community Foundation - A community foundation is a tax-exempt, nonprofit, autonomous, nonsectarian philanthropic institution supported by the public with the long-term goals of:
  - Building permanent, component funds established by many separate donors to carry out their charitable interests
  - Supporting the broad-based charitable interests and benefitting the residents of a defined geographic area, typically no larger than a state
  - Serving in leadership roles on important community issues
2. An Independent Board that Reflects the Community - A community foundation has an independent governing body that ensures the community foundation reflects and serves the breadth and diversity of the community.
3. Foundation Control over Component Funds - A community foundation's governing body retains variance power to modify any restriction or condition on the distribution of assets, if circumstances warrant. Further, with respect to assets held in trust, the governing body must have the power to replace any participating trustee for breach of fiduciary duty.
4. Advance the Foundation's Mission, Strategy, and Policies - A community foundation's governing body is responsible for the mission, strategic direction, and policies of a foundation.
5. A Board and Staff that is Responsible for Operational Health - A community foundation's governing body ensures the financial health and sustainability of the foundation by:
  - Ensuring adequate human and financial resources are used solely in furtherance of the foundation's mission
  - Approving the foundation's budget and monitoring performance related to the budget
  - Ensuring sound oversight and transparency of investment and spending policies and practices



- Holding the foundation's CEO (or equivalent in the case of all-volunteer foundations) accountable for the operations of the foundation.
6. A Board that Approves and Monitors Policies and Grants - A community foundation's governing body approves and monitors policies regulating the ethical operations of the community foundation, ensures that the community foundation meets all legal requirements, and approves all grants.
  7. A Board that is Independent - A community foundation's governing body is not controlled by any other nonprofit foundation; by any single family, business, or governmental entity; or by any narrow group within the community it serves.
  8. Board and CEO Compensation - A community foundation's governing body oversees a clearly articulated process for board governance and serves without compensation (exclusive of the CEO).
  9. A Board with Oversight and Control of Geographic Affiliates - A community foundation's governing body maintains oversight and control over geographic affiliates. A geographic affiliate is a component fund (or collection of component funds), established within or by the community foundation, serving a defined geographic region and under a common advisory group.

### **Resource Development**

1. A Board and Staff Actively Developing Broad Support - A community foundation has, or is actively working to develop, broad support in the form of contributions from many separate, unrelated donors with diverse charitable interests and accepts and administers diverse gift and fund types to meet the varied philanthropic objectives of donors and the needs of the community it serves.
2. The Board Secures Discretionary Resources - A community foundation has a long-term goal of securing discretionary resources to address the changing needs of the community it serves.
3. The Board Demonstrates Legal and Fiduciary Control - A community foundation's governing body has legal and fiduciary control over all contributions received, adopts appropriate gift and fund acceptance policies, and makes these policies available upon request.

### **Stewardship and Accountability**

1. A Board Oversees Fund Management and Financial Records - A community foundation is a steward of charitable funds, which invests and prudently manages funds and maintains accurate financial records.
2. The Board is Accountable and Transparent about Programs and Finances - A community foundation is accountable to the community it serves and demonstrates this accountability by regularly disseminating information on its programs, finances, investments, and spending policies.
3. The Foundation Maintains Fund Records - A community foundation maintains a written record of the terms and conditions of each component fund and all applicable records must reference the variance power.
4. Board and Staff Honors Donor Intent and the Law - A community foundation honors the charitable intentions of its donors, consistent with community needs, and maintains a balance



between donor involvement and governing board control, in accordance with all applicable laws and regulations.

5. The Board Has and Makes Public the Annual Audit - A community foundation has an annual audit (or financial review, when assets total less than \$5 million) performed by an independent public accountant, reviewed and accepted by the governing body, and made available to the public upon request.

### **Grant making**

1. The Board Oversees Diverse Grantmaking - A community foundation operates a broad grants program to multiple grantees that is not limited by mission to a single focus or cause or exclusively to the interests of a particular constituency, and widely disseminates grant guidelines to ensure the fullest possible participation from the community it serves.
2. The Board's Discretionary Grants Respond to Community Needs - A community foundation awards some grants from its discretionary resources through open, competitive processes that address the changing needs of the community.
3. The Community Foundation Oversees Grantmaking Due Diligence - A community foundation performs due diligence to ensure that grants will be used for charitable purposes and assesses the impact of its grantmaking.

### **Donor relations**

1. The Board Oversees Donor Education and Engagement - A community foundation educates and engages donors in identifying and addressing community issues and grantmaking opportunities.
2. Foundation Provides Gift Acknowledgement and Fund Statement for Donors - A community foundation promptly and accurately acknowledges gifts and provides fund statements, at least annually, to donors who wish to receive them.
3. Privacy & Confidentiality - A community foundation keeps all private information obtained with respect to donors and prospective donors confidential to the fullest extent possible. If a community foundation uses an online giving portal, it must ensure that it protects donor data, honors donor intent, and discloses any transaction fees.
4. The Board Displays Community Leadership - A community foundation identifies and addresses community issues and opportunities. It strives to serve in leadership roles, including convening, and to assess the impact of its community leadership.
5. The Board Oversees Social Media and Communications - The community foundation communicates openly and transparently on a regular basis. If social media is used by employees or in foundation communications, the community foundation develops a social media policy.
6. The Board Oversees Advocacy and Lobbying Activities - When involved in advocacy or lobbying activities, the community foundation ensures it is in compliance with applicable federal and state regulations.





## ***Appendix G: Common Community Foundation Giving Vehicles***

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There are many ways to make a donation to a community foundation. Donors appreciate a variety of choices in their charitable giving. The keys to donor satisfaction are: honoring donor intent; providing a range of convenient giving vehicles that meet the donor's financial (tax-related) objectives; and consistent professionalism.

Each community foundation donor has unique wants, needs, and charitable objectives. A community foundation works with its donors to achieve the most good through various giving vehicles. Each giving vehicle offers a donor different levels of control and responsibility with regard to the distribution, management, and investment of their assets. This is not an either/or choice. Many donors use multiple giving vehicles to further their philanthropic objectives. Below is a list of the commonly used charitable giving vehicles.

**Donor-designated funds** – Designated funds allow a donor to specify particular non-profit organizations for their fund to support in the years to come.

**Donor-advised funds** – Opening a donor-advised fund (DAF) allows you to make a gift to your community foundation, and then remain actively involved in recommending grants. They are less expensive than a private foundation, with benefits that last for generations. Donor-advised funds can be granted at any time and need not be endowed. You will choose an investment pool for your fund (long term, short term or cash) that fits your granting needs. In addition, with a donor-advised fund, the donors and heirs can recommend grant recipients each year.

**Field-of-interest pooled funds** – With a field-of-interest fund, donors can specify an area of interest for a fund rather than specific recipients they have in mind. The foundation board of trustees review community needs and make distribution from these interest funds to benefit projects and organizations in that specific field of interest.

**Unrestricted funds** – Unrestricted funds are funds given to a community foundation by a donor with broad philanthropic interests, but no specific recipient in mind. The donor allows the community foundation to flexibility to use the funding for the community's most pressing needs.

**Scholarships** – Scholarship funds at a community foundation are geared toward helping a wide variety of students, with different academic goals and interests and diverse backgrounds and age groups. Community foundations are experts at meeting the regulations and administering scholarships so you can have confidence and pleasure in giving.

**Endowed gifts** – Endowment gifts are invested directly and the generated income is used for funding various organizations and projects. This means that the principal gift is never touched, but generates income in perpetuity.

**Expendable gifts** – Expendable gifts are short-term, non-endowed funds with very specific objectives related to a project.





## CITY OF KIRKLAND

Department of Public Works  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800  
www.kirklandwa.gov

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### MEMORANDUM

To: Kurt Triplett, City Manager

From: Kathy Brown, Public Works Director  
Joel Pfundt, AICP CTP, Transportation Manager

Date: January 16, 2017

Subject: WSDOT I-405 Corridor Update

### RECOMMENDATION:

The Washington State Department of Transportation will provide the City Council with an I-405 Corridor update, covering express toll lane performance, next steps between Renton and Bellevue, a preview of the 132nd interchange project in the Totem Lake area and potential improvements to increase capacity in the north end between SR 522 and SR 527.

### BACKGROUND DISCUSSION:

Lisa Hodgson, I-405/SR 167 Program Design Engineering Manager, will provide a brief update on the two-year performance of the I-405 express toll lanes and next steps for increasing capacity and throughput along the I-405 corridor. Next steps include the I-405 Renton to Bellevue Widening and Express Toll Lanes project, which is currently in preliminary engineering and environmental review, a preview of the 132<sup>nd</sup> interchange project near Totem Lake, which has just started preliminary engineering, and potential improvements on the north end of I-405 between SR 522 and SR 527. Questions from the Council will be taken after the briefing.

The update will include a presentation prepared by the I-405 project team (Lisa Hodgson) covering the following topics:

1. I-405 Master Plan
2. Express toll lanes two-year performance data
3. Renton to Bellevue Widening and Express Toll Lanes project update
4. I-405/NE 132<sup>nd</sup> Interchange Project
5. Next Steps to Accelerate North End Improvements (SR 522 to SR 527 area)

### *Attachments*

I-405/SR 167 Corridor Update presentation

CC: Wendy Taylor, Deputy Program Director, **I-405/SR 167 Program**  
Lisa Hodgson, P.E., **Design Engineering Manager, I-405/SR 167 Program**



# I-405 Corridor Update

**Lisa Hodgson, P.E.**  
Design Engineering Manager  
I-405/SR 167 Program

Kirkland City Council  
January 16, 2018

# I-405 Master Plan

## Regional Consensus

- EIS Record of Decision, 2002
- *Multimodal, multiagency plan*

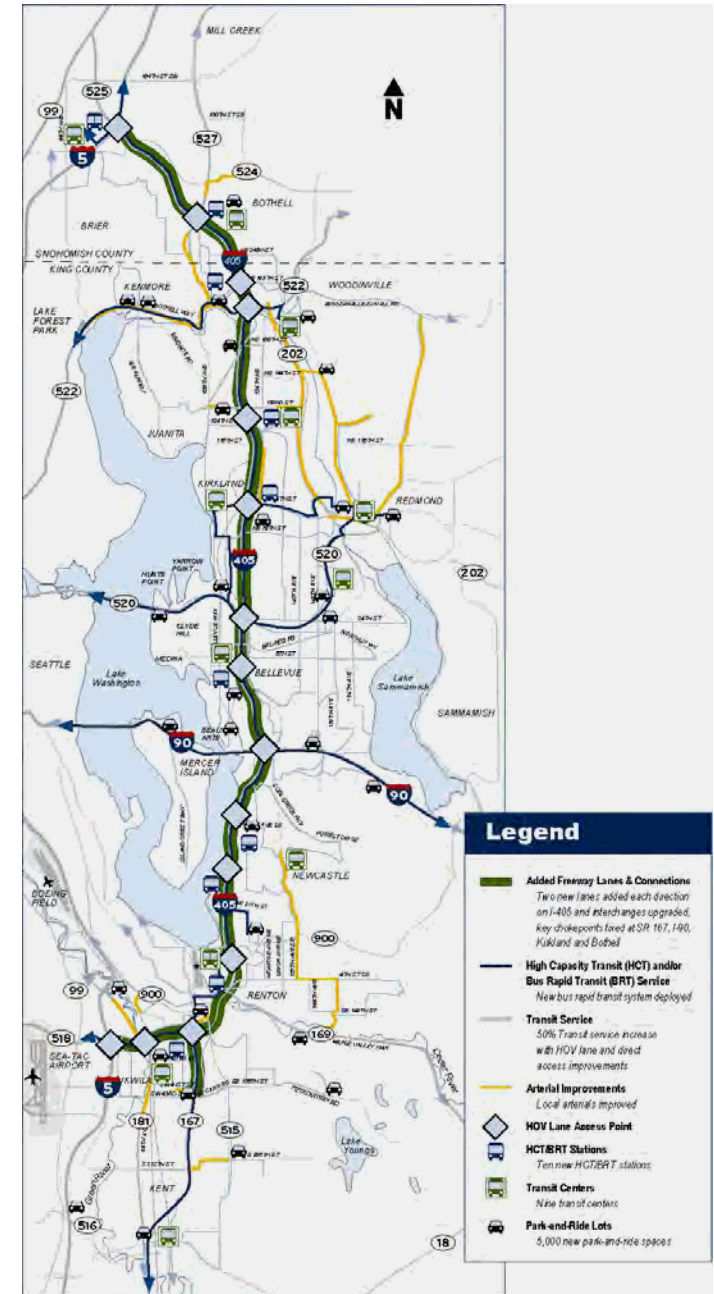
## Roadways

- 2 new lanes in each direction
- Local arterial improvements

## Transit & Transportation Choices

- Bus Rapid Transit system
- New transit centers
- 50% transit service increase
- HOV direct access ramps and flyer stops
- Potential managed lanes system
- 5000 new Park & Ride spaces
- 1700 new vanpools

## Environmental Enhancements





# Corridor Conditions

- I-405 is one of the most congested corridors in the state.
  - **Previous HOV lanes were often as congested as general purpose lanes** during peak periods
- Traffic volumes have increased at almost all points on the corridor by **up to 20 percent** during peak periods.



# Express Toll Lane Basics

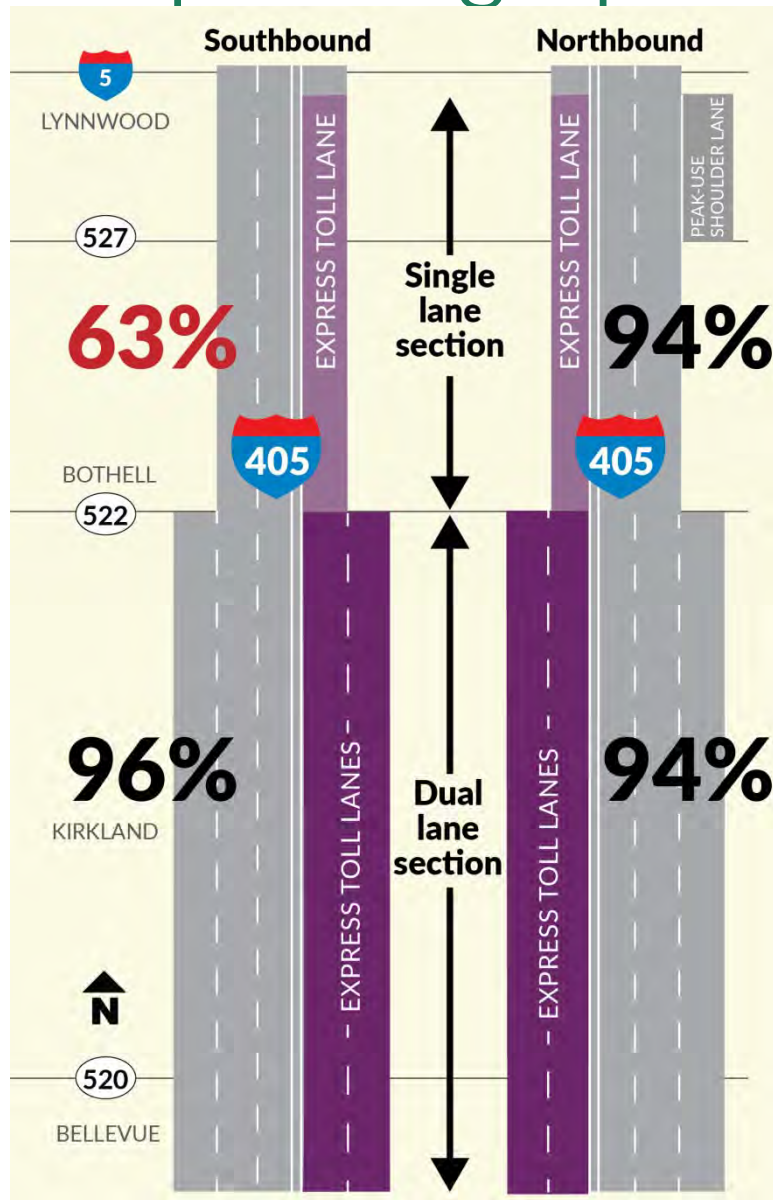


**28.7 MILLION** TOTAL TRIPS

**19.9 MILLION** TOLLED TRIPS | **8.8 MILLION** FREE HOV TRIPS

- Opened Sept. 27, 2015
- 15 miles of express toll lanes
  - **Dual-lane section:** Two express toll lanes each direction between Bellevue and Bothell
  - **Single-lane section:** One express toll lane each direction between Bothell and Lynnwood
- Operation hours: **5 a.m. to 7 p.m. Mon – Fri**
- Tolls and exemptions
  - Single-occupancy vehicles use the lanes for a toll
  - **Transit and vanpools always toll-exempt**
  - Qualifying carpools are toll-exempt

# Improving speed performance

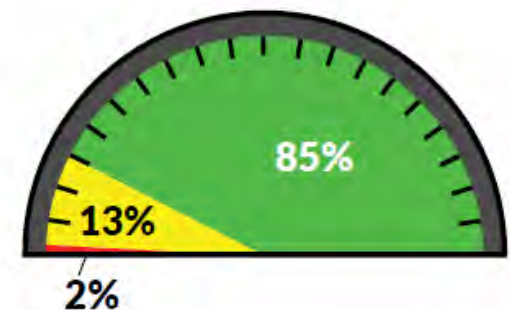


- The peak-use shoulder lane, opened in April 2017, improved speeds in the northbound single lane section.
- When looking at individual segments, the southbound single-lane section is the only section of the corridor to report under the target of 45 mph or faster 90% of peak periods. This is pulling down the overall average.

Pre-Tolling HOV (April-Aug. 2015)

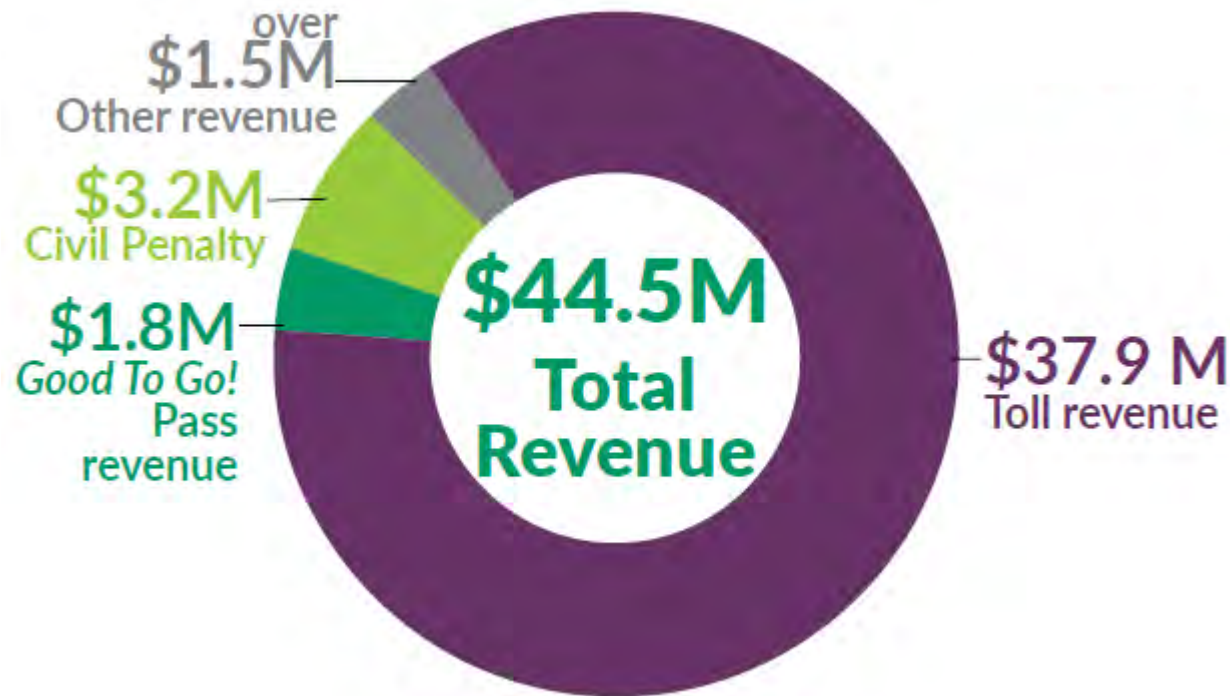


Express toll lanes (April-Sept. 2017)





# Revenue



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**TOTAL REVENUE**  
**\$44.5M**

---

**OPERATIONS COSTS**  
**\$15.7M**

---

**TOLL REVENUE USED FOR PEAK-USE SHOULDER**  
**\$11.5M**

---

**REMAINING FUNDS FOR I-405 IMPROVEMENTS**  
**\$17.3M**

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# Transit Agencies Report Benefits From I-405 Express Toll Lanes

## Community Transit

- Northbound bus travel times have improved 7.5% and reliability has improved
- Southbound bus travel times are consistent and arrive early more often
- Buses experienced twice as much variability on I-5 as on I-405, resulting in \$2.6 million in added schedule maintenance costs for 2015



## King County Metro

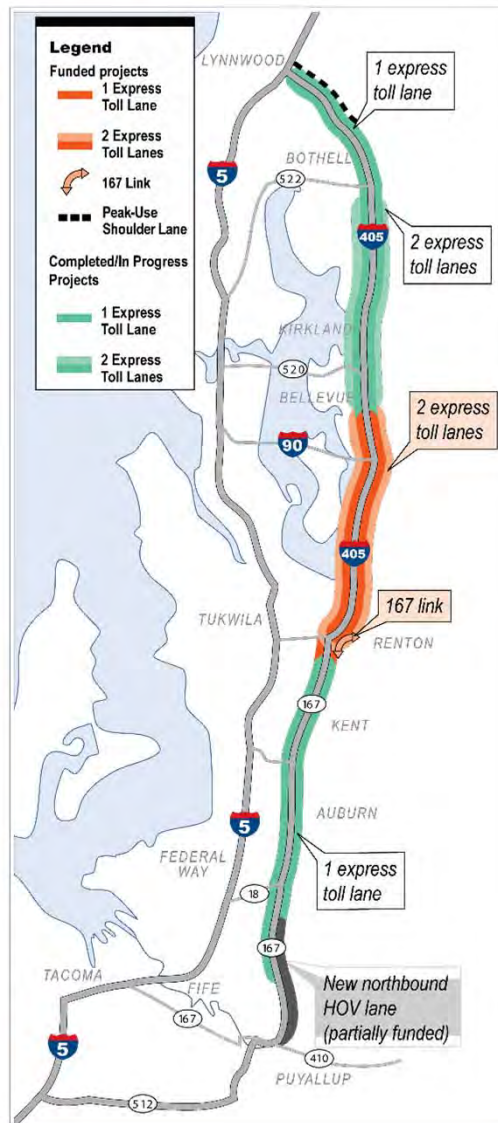
- Routes that travel on I-405 are moving faster since the express toll lanes opened between Bellevue and Lynnwood
- Afternoon trips are experiencing the greatest travel time savings (6 to 10 minutes)

## Sound Transit

- Relying on express toll lanes to operate new I-405 Bus Rapid Transit system reliably

# 40 Mile Corridor

*EAG endorsed 40-mile express toll lane plan in 2010*



The existing I-405 express toll lanes between Bellevue and Lynnwood are part of a planned 40-mile corridor that will ultimately extend south to the Pierce County line. This system will provide drivers with an option for a faster, more reliable trip. Recent projects and immediate next steps include:

## **I-405 Bellevue to Lynnwood Express Toll Lanes**

- Authorized by the Legislature in 2011; opened September 2015

## **SR 167 HOT Lane Extension**

- Opened December 2016

## **I-405/SR 167 Direct Connector**

- Under construction
- Open to traffic in 2019

## **Renton to Bellevue Widening and Express Toll Lanes**

- Construction to begin in 2019
- Open to traffic in 2024

## **I-405 North End Improvements**

- Northbound peak-use shoulder lane (SR 527 to I-5) opened April 2017
- Legislature authorized \$5 million toward preliminary engineering for next phase of improvements

# Next Steps: Renton to Bellevue Widening and Express Toll Lanes

## Project status:

- Fully funded by Connecting Washington and anticipated express toll lane revenue
- In preliminary engineering and environmental review phase
- Construction scheduled to start in 2019

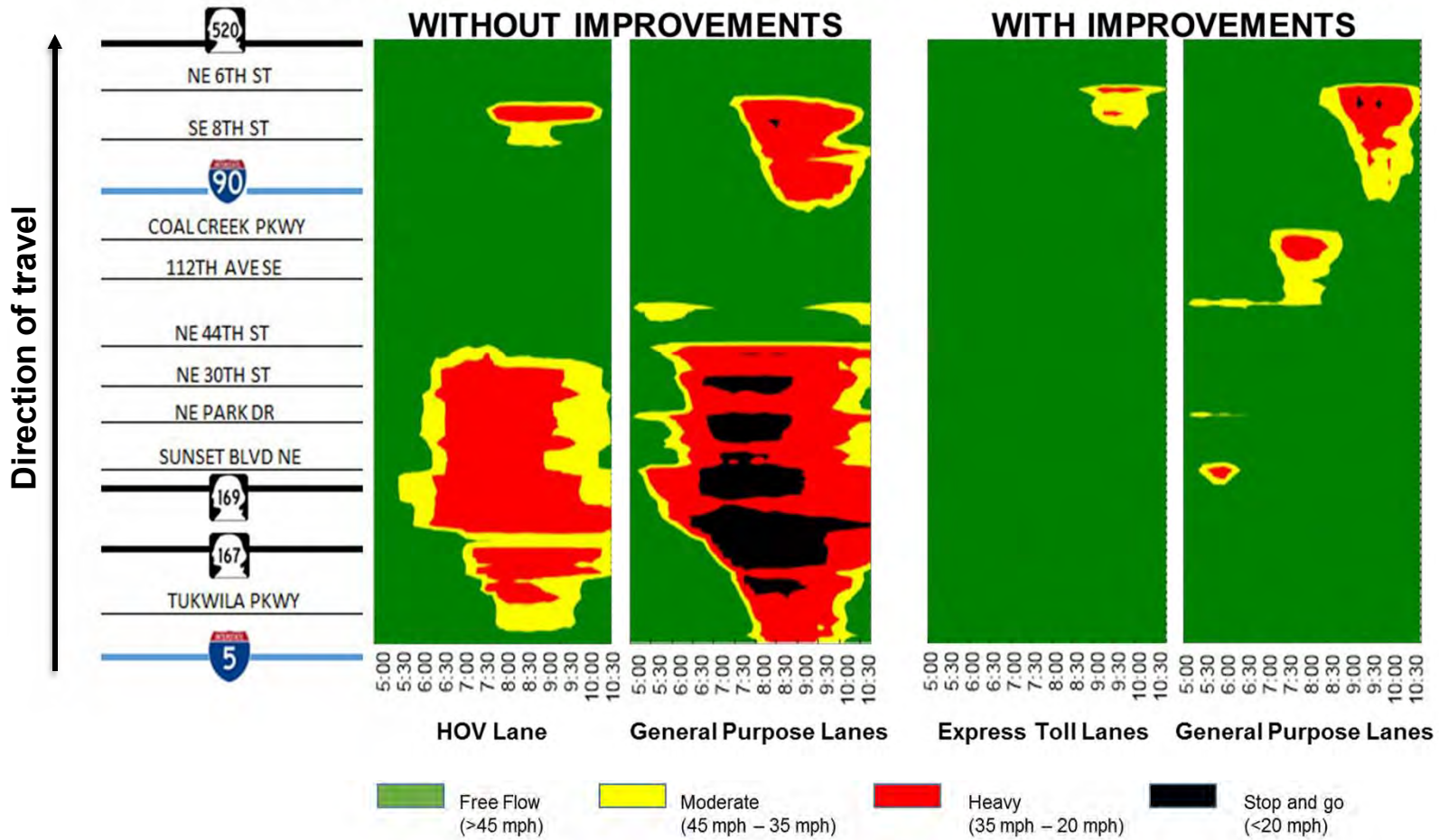
## Major multimodal project elements

- New general purpose capacity and interchange improvements
- Dual express toll lane system
- Bus Rapid Transit infrastructure (with Sound Transit)
  - Direct access ramps and park and ride at Northeast 44th Street in Renton
- Eastside Rail Corridor Regional Trail segments (with King County)
- Coordination with Mountains to Sound Greenway trail



# Renton to Bellevue Traffic Would Continue to Worsen Without Improvements

## 2025 Morning Commute, Renton to Bellevue (5 to 11 a.m.)





# I-405/NE 132nd St Interchange

## Project description:

- Builds a new half diamond interchange to and from the north at NE 132nd Street in Kirkland (Totem Lake area)
- Local arterial improvements
- Environmental enhancements

**Estimated cost:** \$75 million funded by Connecting Washington Package

## Project status:

- Began preliminary engineering
- Construction to begin in 2021
- Open to traffic in 2023





# I-405/NE 132nd St Interchange



# Project Timeline & Outreach

- **2017:** Begin preliminary engineering, right-of-way, and environmental review
- **2019:** Begin right-of-way acquisition
- **2021:** Construction start (est. Spring 2021)
- **2023:** Open to traffic

## Outreach Timeline



### Upcoming project briefings:

**January 29, 2018** – Totem Lake Conversations meeting

**February 14, 2018** – Kirkland Alliance of Neighborhoods (KAN)

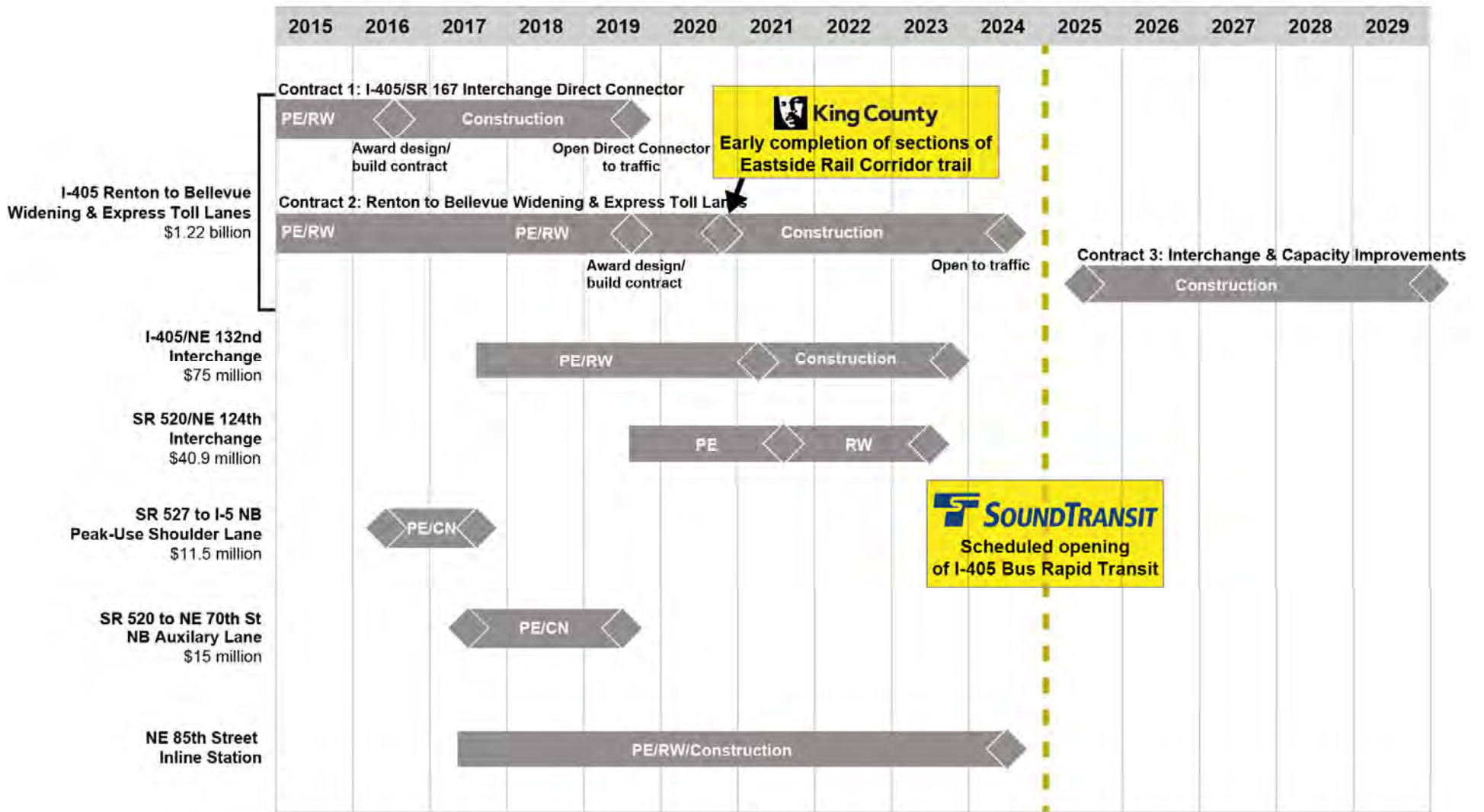
**April 17, 2018** – Kirkland Council Study Session

**Spring 2018** – Potential kick-off open house, follow-up briefings

**August 2018** – Access Hearing on right-of-way



# I-405 Delivery Schedule: Current Funding





# Potential Next Steps to Accelerate North End Improvements



- With optimal delivery, and assuming all funding can be identified, all planned improvements between SR 522 and SR 527 could be delivered by 2024.
- With toll revenue only (pay as you go), southbound capacity improvements could be accelerated by staging the project in two construction contracts:

### Phase 1A – Southbound Capacity (\$225M)

- Partially rebuilds SR 522 interchange
- Second southbound express toll lane between SR 522 and SR 527

### Phase 1B – Northbound Capacity and Transit (\$225-275M)\*

- Second northbound express toll lane between SR 522 and SR 527
- Direct access ramp/Bus Rapid Transit station at SR 527
- Environmental and transit elements

\*Not inflated

	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	
Earlier Delivery	PE/RW				Phase 1(A/B) CN													
	Toll Revenue + other sources to be identified																	
Phased Delivery	PE/RW								Phase 1A CN							Phase 1B CN		
									Toll Revenue only (Pay as you go)					Toll Revenue only (Pay as you go)				



# I-405/SR 522 Interchange

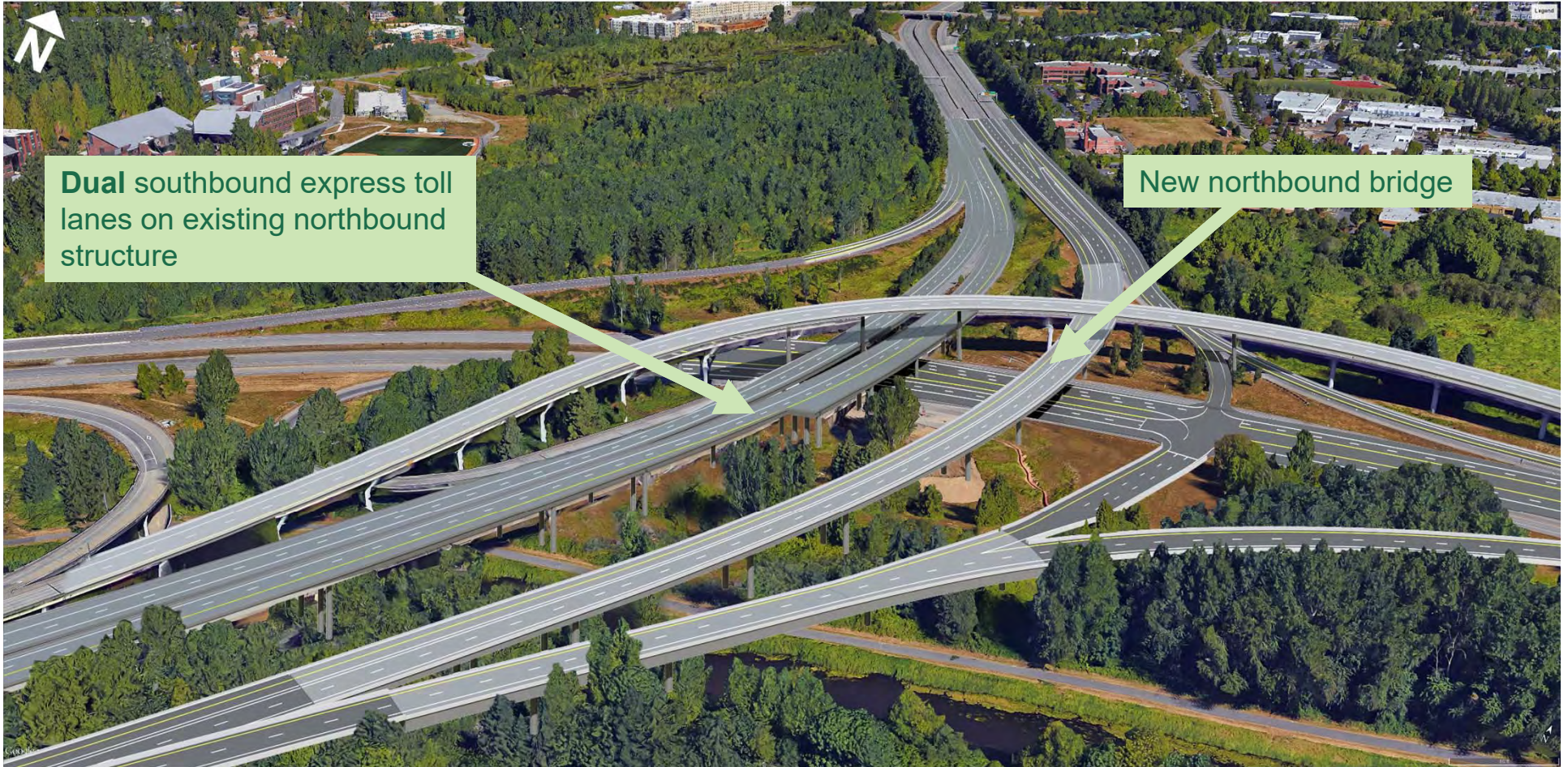
## ***EXISTING CONDITIONS***





# I-405/SR 522 Interchange

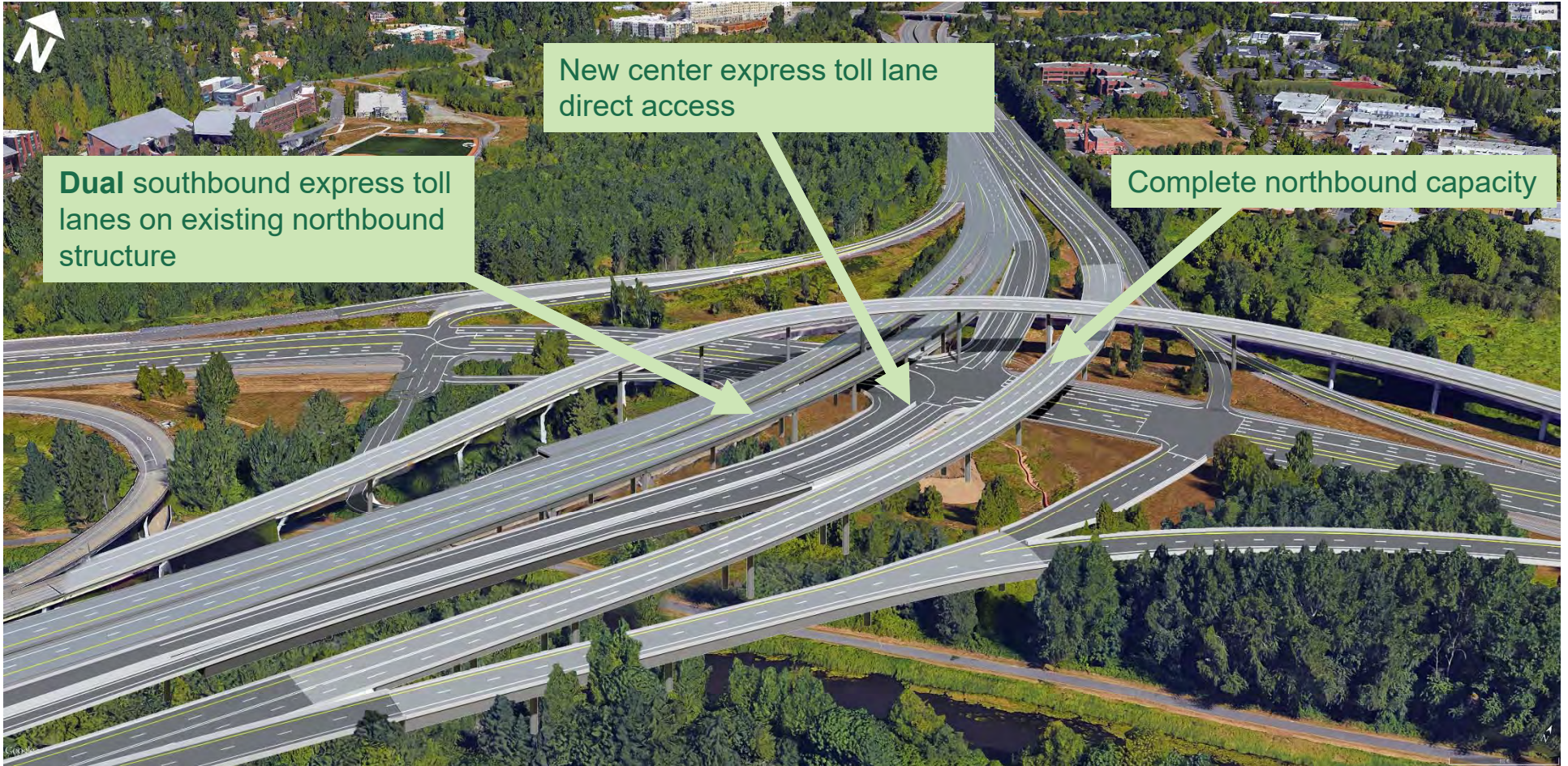
## **PHASE 1A**





# I-405/SR 522 Interchange

## **PHASE 1B**





# CONTACT

WSDOT I-405 Project Office  
600 - 108th Avenue NE, Suite 405  
Bellevue, WA 98004

Lisa Hodgson  
[HodgsoL@wsdot.wa.gov](mailto:HodgsoL@wsdot.wa.gov)

**CITY OF KIRKLAND**

Department of Public Works  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800  
www.kirklandwa.gov

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## MEMORANDUM

To: Kurt Triplett, City Manager

From: Kathy Brown, Public Works Director  
Joel Pfundt, AICP CTP, Transportation Manager

Date: January 16, 2017

Subject: Termination of MUTCD Interim Approval of Rectangular Rapid Flash Beacons

**RECOMMENDATION:**

**City Council to receive an update the Federal Highway Administration's (FHWA) decision to terminate interim approval of Rectangular Rapid Flash Beacons (RRFBs).**

**BACKGROUND DISCUSSION:**

On December 22, 2017, FHWA Washington State division notified the Washington State Department of Transportation (WSDOT) that Interim Approval No. 11 (IA-11) for the use of RRFBs had been terminated (see attached letter). This means that **WSDOT's statewide interim approval IA-11.113 and the City of Kirkland's interim approval IA-11.24** have also been terminated. Traffic control devices on roads open to public travel must comply with the Manual on Uniform Traffic Control Devices (MUTCD), or have interim approval from FHWA. Therefore, no new RRFBs are allowed after December 22, 2017. FHWA does indicate that existing RRFBs can remain in service until the end of their useful life. Public Works staff is evaluating similar treatments that can be used at crosswalks as an alternative to RRFBs, which do comply with the MUTCD. Several examples of these alternatives will be presented at the Council meeting. Because the RRFBs are popular with the public and are the most requested investment in the Neighborhood Safety Program, City staff will implement a communication plan informing Kirkland neighborhood associations, residents and businesses about this federal change.

*Attachments*

December 22, 2017 FHWA letter to WSDOT regarding MUTCD - -Interim Approval for Optional Use of Rectangular Rapid Flashing Beacons (IA-11) - TERMINATION



U.S. Department  
of Transportation

**Federal Highway  
Administration**

Washington Division

Suite 501 Evergreen Plaza  
711 South Capitol Way  
Olympia, Washington 98501-1284  
(360) 753-9480  
(360) 753-9889(FAX)  
<http://www.fhwa.dot.gov/wadiv>

December 22, 2017

HDE-WA/WAP2709S894

Roger Millar  
Acting Secretary of Transportation  
Department of Transportation  
Olympia, Washington

Attention: John Nisbet  
Kathleen Davis  
Jeff Carpenter

**MUTCD - Interim Approval for  
Optional Use of Rectangular Rapid  
Flashing Beacons (IA-11) -  
TERMINATION**

Dear Mr. Millar:

This letter is to inform you that the Federal Highway Administration Office of Operations issued a notice that the Interim Approval (IA issued July 16, 2008) for the optional use of Rectangular Rapid Flashing Beacons has been terminated.

Federal regulation, through the *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD), prohibits the use of patented devices under an IA, or official experimentation with patented devices. The MUTCD is incorporated by reference at 23 CFR, Part 655, Subpart F, and is recognized as the national standard for all traffic control devices in accordance with 23 U.S.C. 109(d) and 402(a).

The MUTCD prohibits patented devices from experimentation, IA, or inclusion in the MUTCD. The FHWA has learned of the existence of four issued U.S. patents, and at least one pending patent application, covering aspects of the Rectangular Rapid Flashing Beacons (RRFB) device originally approved under IA-11 of July 16, 2008.

For the aforementioned reasons, FHWA hereby rescinds IA-11 for all new installations of RRFB devices. Installed RRFBs may remain in service until the end of useful life of those devices and need not be removed.



Nothing in this notice should be interpreted as expressing an opinion as to the applicability, scope, or validity of any patent or pending patent application with regard to the installation or use of RRFBs, generally, or for those currently in use. The FHWA, the U.S. Department of Transportation, and the U.S. express no opinion on the merits, and take no position on the outcome, of any litigation relating to the RRFB.

Please share this information with appropriate staff and other jurisdictions.

Please contact Don Petersen if you have any questions at [Don.Petersen@dot.gov](mailto:Don.Petersen@dot.gov) or (36) 534-9323.

Sincerely,

DANIEL M. MATHIS, P.E.  
Division Administrator

By: Donald A. Petersen  
Division Safety/Design Engineer

Enclosure

cc: Rick Mowlds, MS 47344, Mike Dornfeld, MS 47344, Scott Zeller, MS 47329, Ricky Bhalla, MS 47329, Jim Mahugh, MS 47329, Dean Moon, MS 47329, Kyle McKeon, MS 47390, Matthew Enders, MS 47390, Susan Bowe, MS 47390, Melinda Roberson, Susan Wimberly, Dean Moberg, Lindsey Handel, Jeff Horton, Liana Liu, Rick Judd, Tonya Price, Katie Hulbert



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

# Memorandum

Subject: **INFORMATION:** MUTCD – Interim  
Approval for Optional Use of Rectangular  
Rapid Flashing Beacons  
(IA-11) — TERMINATION

Date: DEC 21 2017

From: Martin C. Knopp *Mart. CKJ*  
Associate Administrator for Operations

In Reply Refer To:  
HOP-1

To: Federal Lands Highway Division Directors  
Division Administrators

**Purpose:** Through this memorandum, the Federal Highway Administration (FHWA) officially rescinds the subject Interim Approval (IA) issued on July 16, 2008.

**Background:** Federal regulation, through the *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD),<sup>1</sup> prohibits the use of patented devices under an IA,<sup>2</sup> or official experimentation<sup>3</sup> with patented devices. The MUTCD is incorporated by reference at 23 CFR, Part 655, Subpart F, and is recognized as the national standard for all traffic control devices in accordance with 23 U.S.C. 109(d) and 402(a).<sup>4</sup>

**Action:** The MUTCD prohibits patented devices from experimentation, IA, or inclusion in the MUTCD.<sup>5</sup> The FHWA has learned of the existence of four issued U.S. patents, and at least one pending patent application, covering aspects of the Rectangular Rapid Flashing Beacons (RRFB) device originally approved under IA-11 of July 16, 2008.

For the aforementioned reasons, FHWA hereby rescinds IA-11 for all new installations of RRFB devices. Installed RRFBs may remain in service until the end of useful life of those devices and need not be removed.

Nothing in this memorandum should be interpreted as expressing an opinion as to the applicability, scope, or validity of any patent or pending patent application with regard to

<sup>1</sup> MUTCD 2009 Ed., Intro. ¶ 4 at I-1

<sup>2</sup> *Id.*; § IA.10.

<sup>3</sup> *Id.*

<sup>4</sup> *See id.* at ¶ 02 at I-1.

<sup>5</sup> *Id.* at ¶ 04.

the installation or use of RRFBs, generally, or for those currently in use. The FHWA, the U.S. Department of Transportation, and the U.S. express no opinion on the merits, and take no position on the outcome, of any litigation relating to the RRFB.

cc:

Associate Administrators

Chief Counsel

Chief Financial Officer

Directors of Field Services

Director of Technical Services





KIRKLAND CITY COUNCIL MEETING MINUTES  
January 2, 2018

1. CALL TO ORDER

Mayor Amy Walen called the study session to order at 6 p.m. and the regular meeting to order at 7:30 p.m.

2. ROLL CALL

ROLL CALL:

Members Present: Councilmember Dave Asher, Deputy Mayor Jay Arnold, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

Members Absent: None.

3. STUDY SESSION

a. 100th Avenue NE Roadway Design Project Update

Joining Councilmembers for this discussion were City Manager Kurt Triplett, Public Works Director Kathy Brown, and Project Engineer Laura Drake.

4. EXECUTIVE SESSION

a. To Review the Performance of a Public Employee

Mayor Walen announced that the Council would enter into executive session to review the performance of a public employee and would return to regular meeting at 7:30 p.m., which they did. City Attorney Kevin Raymond was also in attendance.

5. COUNCILMEMBER OATH OF OFFICE

Kirkland Municipal Court Judge Michael Lambo administered the oath of office to newly elected Councilmembers Tom Neir and Jon Pascal and to re-elected Councilmembers Jay Arnold, Penny Sweet and Amy Walen.

6. ELECTION OF MAYOR AND DEPUTY MAYOR

Motion to Nominate Councilmember Walen for the position of Mayor.

Moved by Deputy Mayor Jay Arnold, seconded by Councilmember Penny Sweet

Vote: Motion carried 6-0

Yes: Councilmember Toby Nixon, Councilmember Tom Neir, Councilmember Penny Sweet, Councilmember Jon Pascal, Deputy Mayor Jay Arnold, and Mayor Amy Walen.

Motion to Amend the motion to nominate Councilmember Asher for the position of Mayor.

Moved by Councilmember Dave Asher, seconded by Councilmember Tom Neir

Vote: Motion failed 2 - 5

Yes: Councilmember Tom Neir, and Councilmember Dave Asher.

No: Councilmember Toby Nixon, Councilmember Penny Sweet, Councilmember Jon Pascal, Deputy Mayor Jay Arnold, and Mayor Amy Walen.

Motion to Nominate Councilmember Arnold for the position of Deputy Mayor.

Moved by Councilmember Penny Sweet, seconded by Councilmember Jon Pascal

Vote: Motion carried 7-0

Yes: Councilmember Toby Nixon, Councilmember Tom Neir, Councilmember Dave Asher, Councilmember Penny Sweet, Councilmember Jon Pascal, Deputy Mayor Jay Arnold, and Mayor Amy Walen.

Council recessed for a short break.

7. HONORS AND PROCLAMATIONS

None.

8. COMMUNICATIONS

a. Announcements

b. Items from the Audience

Ken MacKenzie  
Santos Contreras  
Bob Neir  
Abbey Kim  
Danielle Bae  
Dennis Moran

Motion to Direct staff to bring back a letter of council support for a legislative waiver of the Coast Guard's US build requirements for the F/V America's Finest.

Moved by Councilmember Toby Nixon, seconded by Councilmember Penny Sweet

Vote: Motion carried 7-0

Yes: Councilmember Toby Nixon, Councilmember Tom Neir, Councilmember Dave Asher, Councilmember Penny Sweet, Councilmember Jon Pascal, Deputy Mayor Jay Arnold, and Mayor Amy Walen.

c. Petitions

9. SPECIAL PRESENTATIONS

a. Award of Kirkland Police K-9 Pet License

Police Chief Cherie Harris and K-9 Officer Daniel Hopkins accepted the presentation of City of Kirkland animal license tag number five to Thor, the Kirkland Police K-9 German Shepherd.

b. Semi Annual Fall 2017 Service Award Recognition

Human Resources and Performance Management Director James Lopez presented a forty year service award to Fire Inspector Frederick Ulrich. Twenty year service awards have also been achieved by Firefighter Steven Brownlee, Fire Captain Mark Buenting, Fire Inspector Jason Chappell, and Fire Captain Margret Freeman. Twenty-five year service awards have been achieved by Corrections Lieutenant Robert Balkema, Administrative Supervisor Audrey Martin and Utilityperson David Wells.

10. CONSENT CALENDAR

a. Approval of Minutes

(1) December 12, 2017

b. Audit of Accounts:

Payroll \$3,219,558.77

Bills \$4,815,352.61

run #1672 checks #616339 - 616560

run #1673 checks #616563 - 616583

run #1674 checks #616613 - 616773

c. General Correspondence

d. Claims

(1) Claims for Damages

Claims received from Margarita Lako and Jerry Bullard, Joseph Rossi, and Lyubomira Urshulyak were acknowledged via approval of the Consent Calendar.

e. Award of Bids

(1) Marina Park Pier Repairs Project, Neptune Marine Inc., Anacortes, WA

The construction contract for the Marina Park Pier Repairs Project, in the amount of \$210,250.00, was awarded to Neptune Marine Inc., of Anacortes, WA via approval of the Consent Calendar.

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements



- (1) Ratification of the 2018 - 2020 Teamsters Local 763 Collective Bargaining Agreement

Pre-approval authority was granted to the City Manager to adopt the 2018-2020 Collective Bargaining Agreement between the City and the Teamsters Local 763 via approval of the Consent Calendar.

h. Other Items of Business

- (1) Ordinance O-4634, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO CITY COUNCIL MEETINGS."

The ordinance passed via approval of the Consent Calendar.

- (2) Report on Procurement Activities

Motion to Approve the Consent Calendar.

Moved by Councilmember Penny Sweet, seconded by Councilmember Jon Pascal

Vote: Motion carried 7-0

Yes: Councilmember Toby Nixon, Councilmember Tom Neir, Councilmember Dave Asher, Councilmember Penny Sweet, Councilmember Jon Pascal, Deputy Mayor Jay Arnold, and Mayor Amy Walen.

11. PUBLIC HEARINGS

None.

12. UNFINISHED BUSINESS

- a. Ordinance O-4633 and its Summary, Granting Seattle SMSA Limited Partnership d/b/a Verizon Wireless, a Delaware Limited Partnership, a Non-Exclusive Communications Master Use Permit for the Right, Privilege, and Authority to Make Use of the Permit Area for Communications Purposes.

Development Engineering Manager Rob Jammerman reviewed the information for Council consideration at this second reading of the ordinance, and responded to additional Council questions. Kim Allen of Wireless Policy Group, representing Verizon, also shared information with Council.

Motion to Approve Ordinance O-4633 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND GRANTING SEATTLE SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS, A DELAWARE LIMITED PARTNERSHIP, A NON-EXCLUSIVE COMMUNICATIONS MASTER USE PERMIT FOR THE RIGHT, PRIVILEGE, AND AUTHORITY TO MAKE USE OF THE PERMIT AREA FOR COMMUNICATIONS PURPOSES."

Moved by Councilmember Penny Sweet, seconded by Councilmember Toby Nixon  
Vote: Motion carried 7-0

Yes: Councilmember Toby Nixon, Councilmember Tom Neir, Councilmember Dave Asher, Councilmember Penny Sweet, Councilmember Jon Pascal, Deputy Mayor Jay Arnold, and Mayor Amy Walen.

b. Regional Transportation System Initiative (RTSI) Update

Public Works Director Kathy Brown provided an update on the Regional Transportation System Initiative (RTSI) for Council consideration and received input on the future direction of RTSI for Councilmember Asher in preparation for an upcoming Elected Committee meeting.

13. NEW BUSINESS

a. Ordinance O-4635 and its Summary, Relating to Sick Leave and Amending Kirkland Municipal Code Section 3.80.100.

Director of Human Resources and Performance Management James Lopez provided an overview of the proposed changes to the Kirkland Municipal Code required to maintain compliance with a new section of the Revised Code of Washington (49.46.210).

Motion to Approve Ordinance O-4635 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SICK LEAVE AND AMENDING KIRKLAND MUNICIPAL CODE SECTION 3.80.100."

Moved by Deputy Mayor Jay Arnold, seconded by Councilmember Penny Sweet  
Vote: Motion carried 7-0

Yes: Councilmember Toby Nixon, Councilmember Tom Neir, Councilmember Dave Asher, Councilmember Penny Sweet, Councilmember Jon Pascal, Deputy Mayor Jay Arnold, and Mayor Amy Walen.

14. REPORTS

a. City Council Regional and Committee Reports

Councilmembers shared information regarding the Sound Cities Association Public Issues Committee meeting; Councilmember Marchione's retirement celebration; the upcoming East King County Chambers of Commerce Legislative Coalition breakfast; an upcoming Kirkland Business Roundtable meeting; an upcoming Sound Cities Association Public Issues Committee meeting; visits with public safety staff at the different fire stations and on police ride-along trips; requested and received council approval for Councilmember Pascal and Deputy Mayor Arnold to continue to represent the City of Kirkland at an upcoming Eastside Transportation Partnership meeting; and requested and received council approval to support the Eastside Transportation Partnership's legislative agenda.

(1) Council Committee Assignments

City Manager Kurt Triplett reviewed the list of available City Council committees along with a form for the councilmembers to return to the Mayor indicating their committee preferences.

- (2) I-405 Express Toll Lanes Letter of Support for authorization/reauthorization

Motion to Authorize the Mayor to sign a letter of support for the I-405 Express Toll Lanes authorization/reauthorization.

Moved by Councilmember Dave Asher, seconded by Councilmember Toby Nixon

Vote: Motion carried 7-0

Yes: Councilmember Toby Nixon, Councilmember Tom Neir, Councilmember Dave Asher, Councilmember Penny Sweet, Councilmember Jon Pascal, Deputy Mayor Jay Arnold, and Mayor Amy Walen.

b. City Manager Reports

City Manager Kurt Triplett provided some clarification on the city's shared sick leave policy and the Council's options for naming parks.

- (1) Finalizing City Council Retreat Agenda

City Manager Kurt Triplett presented the most recent draft of topics for the February 23 Council Retreat and received Council feedback.

- (2) Calendar Update

15. ITEMS FROM THE AUDIENCE

None.

16. ADJOURNMENT

The Kirkland City Council regular meeting of January 2, 2018 was adjourned at 9:38 p.m.

---

Kathi Anderson, City Clerk

---

Amy Walen, Mayor



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

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## MEMORANDUM

To: Kurt Triplett, City Manager  
From: Kathi Anderson, City Clerk  
Date: January 10, 2018  
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) Paul Eldenburg  
6851 126<sup>th</sup> Avenue NE  
Kirkland, WA 98033

Amount: \$6,754.00

Nature of Claim: Claimant states damage to home occurred as a result of overflow from a storm water retention tank located adjacent to property.

- (2) Joan Lindell Olsen  
11320 NE 88<sup>th</sup> Street  
Kirkland, WA 98033

Amount: \$32,400.00

Nature of Claim: Claimant states damage to property occurred as a result of insufficient drainage mitigation at a neighboring property.

(continued)



- (3) Puget Sound Energy  
P.O. Box 91269  
Bellevue, WA 98009-9269

Amount: \$347.06

Nature of Claim: Claimant states damage to gas equipment occurred at 308 2<sup>nd</sup> Street S. when a City crew severed the line while excavating for a sewer main.

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



CITY OF KIRKLAND

**City Attorney's Office**

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030  
www.kirklandwa.gov

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MEMORANDUM

To: Mayor and City Council  
From: Kevin Raymond, City Attorney  
Date: January 9, 2018  
Subject: **City Manager's Employment Agreement**

RECOMMENDATION:

It is recommended that City Council consider the resolution approving the Fourth Amended and Restated Employment Agreement for City Manager Kurt Triplett.

BACKGROUND DISCUSSION:

Following the executive session conducted at the December 12, 2017 Council Meeting, Mayor Amy Walen requested that this office prepare an amendment to the City Manager's employment agreement, making a salary adjustment to \$210,000 effective January 1, 2018; increasing the number of severance months earned over time to nine; and extending the contract through 2022. A resolution with a Fourth Amended and Restated Employment Agreement reflecting these amendments is attached.

RESOLUTION R-5291

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING A FOURTH AMENDED AND RESTATED EMPLOYMENT AGREEMENT BETWEEN THE KIRKLAND CITY COUNCIL AND KURT TRIPLETT, ITS CITY MANAGER.

1           WHEREAS, after a formal recruitment and selection process, the  
2 Kirkland City Council appointed Kurt Triplett as City Manager in 2010;  
3 and;

4  
5           WHEREAS, the City Manager has met the high expectations of  
6 the Council for the City Manager since his appointment; and

7  
8           WHEREAS, the City Manager led a number of efforts in 2017 in  
9 support of the 2017-2018 City Work Plan, including those related to  
10 implementation of the Cross Kirkland Corridor Master Plan and its  
11 connector bridges; acquisition of the FS 24 site and planning efforts in  
12 support of a new FS 27 and a renovated FS 25; the planned expansion  
13 of the Public Works maintenance center; partnering with A Regional  
14 Coalition for Housing, churches and other non-profits to construct a  
15 permanent women/family shelter in Kirkland; new capital investments  
16 **to support growth in the Totem Lake area; replacement of the City's**  
17 core financial and human resources software systems; and  
18 implementation of a new local Animal Services structure; and

19  
20           WHEREAS, the City Manager invested significant time and effort  
21 **helping strengthen overall relations with the City's local firefighter union,**  
22 the International Association of Fire Fighters (IAFF) 2545, resulting in  
23 the first collective bargaining agreement with IAFF 2545 in over a  
24 decade that was approved by both parties before the previous  
25 agreement expired; and

26  
27           WHEREAS, the City Manager focused on preparing the City to  
28 respond successfully to an emergency, including the appointment of a  
29 new Emergency Manager, recruitment of a skilled and experienced  
30 Emergency Management Coordinator and presenting the City Council a  
31 new Continuity of Operations and Continuity of Government Plan  
32 (COOP/COG) for adoption; and

33  
34           WHEREAS, the City Manager was actively engaged **in the City's**  
35 2017-2002 CIP update, working with key staff to implement new  
36 projects notwithstanding cost pressures associated with new  
37 environmental regulations and a competitive contracting environment in  
38 order to help respond to growth and implement **the community's vision**  
39 of a green, walkable, livable and vibrant City; and

40  
41           WHEREAS, the City Manager had great success in 2017  
42 **stabilizing the City's work force and showing continued, personal**

43 leadership on regional entities including the EPSCA and ARCH Boards;  
44 and

45  
46 WHEREAS, the City Council entered into an employment  
47 agreement with the City Manager as of June 28, 2010, which was  
48 subsequently amended in January 2011, and November 2013; and

49  
50 WHEREAS, the City Council entered into an Amended and  
51 Restated Employment Agreement with the City Manager in April 2015;  
52 and

53  
54 WHEREAS, the City Council entered into a Second Amended and  
55 Restated Employment Agreement with the City Manager in January  
56 2016; and

57  
58 WHEREAS, the City Council entered into a Third Amended and  
59 Restated Employment Agreement with the City Manager in January  
60 2017; and

61  
62 **WHEREAS, following a review of the City Manager's performance**  
63 **in December 2017, the City Council desires to increase the City**  
64 **Manager's annual salary, increase the number of months of severance**  
65 **pay that can be earned, and extend the expiration of the employment**  
66 **agreement; and**

67  
68 WHEREAS, the parties wish to enter into a Fourth Amended and  
69 Restated Employment Agreement for such purpose that will supersede  
70 all prior negotiations, discussions or agreements.

71  
72 NOW, THEREFORE, be it resolved by the City Council of the City  
73 of Kirkland as follows:

74  
75 Section 1. The Fourth Amended and Restated Employment  
76 Agreement for the City Manager of the City of Kirkland, attached as  
77 **Exhibit "A" and incorporated by this reference, is approved by the**  
78 **Kirkland City Council to be its agreement as to terms and conditions of**  
79 **employment with Kurt Triplett as Kirkland City Manager.**

80  
81 Section 2. The Mayor is authorized to sign a Fourth Amended  
82 and Restated Employment Agreement which is substantially similar to  
83 **that attached as Exhibit "A" on behalf of the City of Kirkland and its** City  
84 **Council.**

85  
86 Passed by majority vote of the Kirkland City Council in open  
87 meeting this \_\_\_\_ day of \_\_\_\_\_, 2018.

88  
89 Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_,  
90 2018.

\_\_\_\_\_  
Amy Walen, Mayor



Attest:

---

Kathi Anderson, City Clerk

## FOURTH AMENDED AND RESTATED EMPLOYMENT AGREEMENT

This Fourth Amended and Restated Employment Agreement is entered into **between Kurt Triplett ("City Manager") and the City of Kirkland ("City") to describe the terms and conditions of the City Manager's employment with the City.**

### Recitals

- A. After a formal recruitment and selection process, the City Council of the City of Kirkland appointed Kurt Triplett as City Manager in 2010.
- B. The parties entered into an Employment Agreement, as of June 28, 2010, which was subsequently amended in January 2011 and November 2013.
- C. The parties thereafter entered into an Amended and Restated Employment Agreement in April 2015.
- D. The parties thereafter entered into a Second Amended and Restated Employment Agreement, as of January 14, 2016.
- E. The parties thereafter entered into a Third Amended and Restated Employment Agreement, as of January 11, 2017.
- F. Following a review of the **City Manager's performance in December 2016**, the Council desires to make a **change to the City Manager's annual salary effective January 1, 2017.**
- G. The parties wish to enter into a Fourth Amended and Restated Employment Agreement that sets forth all of the rights and obligations of the parties and that will supersede all prior negotiations, discussions or agreements.

### 1. Agreement and Effective Date

The effective date of this Fourth Amended and Restated Employment Agreement is January 1, 2018. In accordance with the provisions of Chapter 35A.13 RCW, the **City Manager is appointed by the Kirkland City Council ("Council") for an indefinite term and may be removed at any time by a vote of the majority of the Council.**

### 2. Residence

The City Manager shall reside within the City.

### 3. Powers and Duties

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

### 4. Salary

**The City Manager's** annual salary in 2018 is \$210,000. In 2019 and subsequent years, the City Manager shall be eligible for and receive annual wage adjustments awarded to City employees in the **Management and Confidential Employees ("MAC") group**. In addition, **the Council shall review the City Manager's salary** in December 2018 and annually thereafter to determine whether further salary adjustments are appropriate based on merit or other considerations. Any salary adjustments approved by the Council based on this review shall become effective January 1 of the following **year**. **The City Manager's** salary will not be reduced during the term of this Agreement (absent removal or resignation) unless the average salary for MAC employees is reduced, in which case the **City Manager's salary may not be reduced by more than the** MAC average reduction.

### 5. Performance Appraisals

The Council and the City Manager shall discuss the City Manager's performance, and the Council shall complete an annual review of **the City Manager's performance at a** Council meeting in December. Performance appraisal may be combined with the annual salary review.

### 6. Benefits

#### *Holidays and Leaves*

The City Manager shall accrue **20 days' vacation leave per year** and shall be granted holidays, sick leave, and management leave as provided in Kirkland Municipal Code Chapter 3.80. Unused vacation leave may be carried forward to the next calendar year, so long as the total balance of vacation leave does not exceed 240 hours. There shall be no payment in lieu of vacation except as provided in Section 7, below.

The City Manager shall also be granted a Community Service Day on the same terms as employees in the MAC group.

#### *Benefits and Insurance*

The City Manager will be provided medical, dental, disability, employee assistance program, life insurance and other benefits not otherwise addressed in this Agreement on the same terms as employees in the Executive Management group. The City will reimburse the City Manager for the cost of an annual physical examination to the extent such cost is not covered by insurance, up to a maximum of \$1,500 per year or such amount as may be authorized in the biennial budget for members of the Executive Management group.

*Retirement*

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

**The City shall make required employer contributions on the City Manager's behalf into the Public Employees' Retirement System Plan 2 (PERS 2).** The City Manager shall be responsible for the PERS 2 employee contribution. The City shall also contribute (1) an amount equal to six percent of base salary and (2) a one-time additional cash contribution of \$10,000 to an ICMA 401A retirement plan for the City Manager's benefit, subject to and in accordance with the terms of the plan and Internal Revenue Code requirements.

The City Manager may elect to direct pre-tax dollars to a voluntary ICMA deferred compensation plan for City employees, subject to and in accordance with the terms of the plan and Internal Revenue Code requirements.

*Automobile and Travel*

In lieu of other expense reimbursement for travel within the local area, the City Manager shall receive \$425 per month to defray the expense of using a personal automobile for official travel. (Pursuant to Chapter 42.24 RCW, it is the determination of the Council that this means of reimbursement is less costly than providing an automobile to the City Manager.) The City Manager will also be entitled to mileage reimbursement (or use of City vehicles, if available) for City business travel outside the local area, meaning outside of a 50-mile radius of Kirkland City Hall. In addition, the City Manager may be reimbursed for other reasonable and necessary expenses incurred in the course of City business in accordance with City policy (currently Reimbursable Expense Policy No. 3-2).

## 7. Termination and Severance Pay

In the event the City Manager is removed from office or asked to resign by the Council during the term of this Agreement, the City Manager shall receive severance pay **equal to six months' salary; provided, however,** that for each additional year of service beginning with 2018, the severance pay required hereunder shall increase by one month **for each year of service (e.g. seven month's salary beginning January 1, 2019)** up to but **not exceeding a total of nine month's salary; and provided further, however,** that the City Manager shall not be eligible for severance pay if removed or asked to resign for malfeasance in office or conviction of a felony. Severance pay shall not be payable upon expiration of this Agreement (or any automatic extension hereof) if either party gives timely notice of intent not to renew under Section 10.

In the event the City Manager voluntarily resigns and gives at least 90 **days'** advance notice in writing, the City Manager shall be paid at separation for up to 240 hours of unused vacation, or such lesser amount as will avoid excess compensation liability to the City under applicable retirement laws.

## 8. Indemnification, Hold Harmless and Defense

The City shall indemnify, hold harmless and defend the City Manager from and against any claims related to or arising out of the exercise of his powers and duties as



City Manager to the extent provided by and in accordance with Chapter 3.72 of the Kirkland Municipal Code and RCW 4.96.041.

9. Entire Agreement

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

10. Duration

This Agreement is effective January 1, 2018, and shall continue in effect through December 31, 2022, absent prior termination. This Agreement will be automatically extended for additional one-year periods on the same terms and conditions, unless it is superseded by a new written agreement between both parties or unless either party gives the other written notice of intent not to renew at least six months prior to the expiration date (i.e., before June 1, 2020, or, in the event of automatic extension, before the applicable subsequent anniversary date).

11. Review

Either party may request review and/or renegotiation of any provision of this Agreement during the duration of this Agreement, but no changes to any of the provisions may be made without the agreement of both parties.

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

\_\_\_\_\_  
Kurt Triplett, City Manager

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
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: Greg Piland, Purchasing Agent

Date: January 3, 2018

Subject: REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF January 16, 2018.

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 December 20, 2017 are as follows:

	Project	Process	Estimate/Price	Status
1.	Marina Park pier repairs project.	Invitation for Bids	\$210,250.00	Contract awarded to Neptune Marine, Inc. of Anacortes, WA.
2.	Peter Kirk pool liner replacement project.	Small Works Roster	\$209,500.00	Contract awarded to Orca Pacific, Inc. of Auburn, WA.
3.	Consulting services for GIS technical and project management assignments.	Request for Proposal	\$128,000.00	Amended contract awarded to Port Madison GIS, Inc. of Bainbridge Island, WA.
4.	Building maintenance services.	Request for Proposal	\$797,616.00	Contract awarded to Stardom Services, Inc. of Lynnwood, WA.

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



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 Manager

Date: January 5, 2018

Subject: 2018 LEGISLATIVE UPDATE #1

### RECOMMENDATION:

Council should receive its first update on the 2018 legislative session, and review the draft Support Items Agenda and provide feedback to staff.

### BACKGROUND DISCUSSION:

This memo includes information on the following:

- ✓ **Council's Legislative Workgroup**
- ✓ Summary Status 2018 Legislative Priorities
- ✓ Members of the **City's State Delegation**
- ✓ **City's Review Process for Proposed Legislation**
- ✓ **AWC's City Action Days** – January 24 & 25
- ✓ 2018 Legislative "Support Items" **Agenda**

### **Council's Legislative Workgroup**

**Council's Legislative Workgroup** consists of Mayor Walen, Councilmember Asher and a third Councilmember yet to be determined. The Legislative Workgroup is staffed by the City Manager, Intergovernmental Relations Manager and **Waypoint, the City's state legislative advocacy consultants**. Councilmember Asher Chairs the Workgroup, which meets weekly throughout the session on Friday's at 3:30pm.

### **Summary Status of the City's 2018 Legislative Priorities**

At its November 21, 2017 meeting, Council adopted the **City's State Legislative Priorities** for the 2018 legislative session (see Attachment A for Council Adopted Priorities).

Since Council adopted the 2018 Legislative Priorities in November, the Legislative Workgroup has worked with stakeholders, legislators and committee staff on developing draft legislation associated with the **City's priorities**. Beginning November 7 and ending January 5, the Workgroup hosted its annual legislative coffees with delegation members from the 1<sup>st</sup>, 45<sup>th</sup> and 48<sup>th</sup> Legislative Districts. These meetings provide an opportunity to thank lawmakers for their service and past support as well as **discuss the City's** legislative priorities before the start of the session (see Attachment B of background materials).

The attached January 5 **Status Update of the City's** 2018 Priorities (Attachment C) illustrates the efforts of the Legislative Workgroup. The format of this "Status Update" **should look familiar to Council and, unless** otherwise directed, staff will continue to reflect status updates using this format over the course of the session.

Staff will present any additional updates **on legislative activities at Council's January 16 meeting.**

<u>Legislative Priorities</u>	<u>Status</u>
1. Homelessness and affordable housing – <ul style="list-style-type: none"> <li>○ Pass a capital budget that restores the Housing Trust Fund (HTF)</li> <li>○ Eliminate the sunset on REET 2 for housing</li> <li>○ Increase the document recording fee (DRF) for housing</li> <li>○ Clarify the impact fee statute</li> <li>○ Allow councilmanic authority for authorized sales tax</li> </ul>	> HTF – contained in Capital Budget, early session > REET 2 sunset – contained in <a href="#">HB 1797</a> , McBride > Increase DRF – contained in <a href="#">HB 1570</a> , Macri > Impact fee – (anticipate bill will drop first week) > Councilmanic st – contained in <a href="#">HB 1797</a> , McBride
2. Funding for St Emergency Management Division	> contained in ( <a href="#">SB 6036</a> ) Mullet. At the writing of this memo, SB 6036 is scheduled for hearing at 8am on January 9 in the Senate Financial Institutions & Insurance Committee > contained in ( <a href="#">HB 2320</a> ) Reeves. At the writing of this memo, HB 2320 is scheduled for hearing at 1:30 on January 11 in the House Business & Financial Services Committee.
3. Capital Budget funding for CKC & RCC connection	> contained in Capital Budget early in session. Negotiations related to the Hirst Decision are still complicating the passage of the Capital Budget.
4. Funding for BLEA	Sen. Kuderer circulating a letter for Senate signatories Rep. Kloba circulating a letter for House signatories
5. Small Cells / Telecommunications	No update
6. I-405 Express Toll Lanes	No update

### **City's State Legislative Delegation**

Three legislative districts (LD) – 45th, 48th and 1st – have significant portions within the City of Kirkland. The City is represented in Olympia by the following:

- 1<sup>st</sup> LD - Senator Guy Palumbo and Representatives Derek Stanford and Shelley Kloba.
- 45<sup>th</sup> LD - Senator Manka Dhingra and Representatives Larry Springer and Roger Goodman.
- 48<sup>th</sup> LD - Senator Patty Kuderer and Representatives Joan McBride and Vandana Slatter.

2018 Session Opens January 8

As a reminder, the regular 2018 legislative session is a short, 60-day session. The two month session will begin on Monday, January 8 and end on Friday, March 9. The legislative cutoff calendar will be finalized by the legislature on the first day of session and City staff will provide this to Council once it is adopted and made available.

### McCleary

In 2012, the state Supreme Court ruled that Washington has been violating the state Constitution by underfunding its schools. The state Supreme Court has said the legislature needs to act to end the reliance on local school levies to fund basic education. The state has been held in contempt for failing to make enough progress on a full funding plan. The 2016 legislature passed a bill that set up a bipartisan task force to collect data on school salaries and levies and make recommendations for the 2017



legislative session. While the legislature did pass a funding plan in 2017, lawmakers are heading into the 2018 with a state Supreme Court order to find \$1 billion, in order to meet a court-imposed deadline of September 1, 2018 to fully fund public schools.

### **Kirkland's Legislative Review Process**

At the state capital, proposed bills are introduced daily in the Senate, the House, or both through the first cut-off, which is anticipated in early February. Waypoint, the **City's state legislative advocacy consultant**, culls and forwards relevant bills to intergovernmental staff for review with department(s) and subject-matter experts, in an effort to determine potential impacts to the City. This process also includes staff making an initial assessment and **recommendation on City's position (Support/Oppose/Neutral) on a given bill** (See Attachment D). Intergovernmental staff then bring bills, analysis and recommendations to **the Council's Legislative Workgroup** for consideration, discussion and validation of staff **recommendations. The Legislative Workgroup's decisions are guided by the legislative agenda's general principles, as well as the City Council's Goals. Intergovernmental staff then communicate the City's position on bill proposals to the City's legislative lobbyist, Councilmembers and Department Directors.**

Throughout the session, a "bill tracker" **is provided** at each regular Council meeting within the legislative update memo, which communicates the positions on bill proposals that the City is taking, based on the process described above. The bill tracker is updated on Fridays, following the meeting of the Legislative Workgroup.

If, during the session, a proposed bill (of concern to the City) is determined to be beyond the scope of **the legislative agenda's general principles**, or not in sync with the Council Goals, then the Legislative Workgroup will bring the bill proposal before the full Council for consideration and discussion at its next regular council meeting.

### AWC ANNUAL CITY ACTION DAYS CONFERENCE:

The **AWC's annual City Action Days that will be held on** January 24 and 25. See the attached conference agenda (Attachment E). Staff has handled basic logistics such as conference registration and lodging for Councilmembers. All seven Councilmembers are participating this year. Detailed information will be **provided by week's end**. Staff is scheduling meetings with all members of the delegation and a few key other lawmakers.

### DRAFT 2018 SUPPORT ITEMS AGENDA:

**As noted in the staff memo for Council's** November 21 regular meeting, a DRAFT 2018 Support Item Agenda is provided here **for Council's consideration** (Attachment F). This Support Items draft was constructed from the 2018 legislative priorities that many of the **City's allies** have adopted (Attachment G). Some priorities reflected are not available in a downloadable format but they are noted straight from the websites of ally organization. Staff welcome Council's feedback on this draft. Following discussion, Council may adopt the draft, strike items from the draft, request additional information and ask staff to bring back a revised 2018 **Legislative "Support Items" Agenda** to **Council's** February 6 meeting. February 6 meeting.

If Council wishes to adopt the support agenda, it should do so by motion and a voice vote. Once the support agenda is before the Council for action, it may also be amended before final adoption.

- Attachments:
- A. **City's adopted** 2018 Legislative Priorities
  - B. Background Materials Provided at Delegation Member Coffees
  - C. January 5 Status **of City's 2018** Legislative Priorities
  - D. **AWC's City Action Days Conference Agenda**
  - E. Proposed Draft 2018 Legislative Support Items Agenda
  - F. Available **Allies'** Legislative Priorities



## **CITY OF KIRKLAND 2018 LEGISLATIVE AGENDA**

### **General Principles**

Kirkland supports legislation to promote the City Council's goals and protect the City's ability to provide basic municipal services to its citizens.

- Protect shared state revenue sources available to the City, including the State Annexation Sales Tax Credit, and provide new revenue options and flexibility in the use of existing revenues.
- Support long-term sustainability efforts related to City financial, environmental and transportation goals.
- Support reestablishing the partnership between cities and the State to ensure that critical mandates are funded and vital services are provided to all of the residents of the state.

### **City of Kirkland 2018 Legislative Priorities**

- Kirkland supports new local funding and policy tools to address homelessness and create more affordable housing, such as:
  - Pass a capital budget that adequately funds the Housing Trust Fund (HTF)
  - Eliminate the sunset on REET 2 for housing needs
  - Increase the document recording fee to better address homelessness and housing
  - Clarify the impact fee statute to ensure exemptions apply to homeless shelters and increase allowable impact fee exemptions from 80% up to 100% of low-income housing, without reimbursement from other sources
  - Allow councilmanic authority for currently authorized sales tax
- Kirkland supports full funding of the State Emergency Management Division.
- Kirkland supports passage of the capital budget that includes funding for a multimodal safety improvement project connecting the Cross Kirkland Corridor with the Redmond Central Connector.
- Kirkland supports continued sustainable funding to maintain high-quality statewide training for law enforcement personnel to ensure no waiting period to get law enforcement trained and in the field.
- Kirkland supports maintaining local flexibility in determining location, design and size of small cell (telecommunication) deployment with adequate cost control.
- Kirkland supports maintaining the express toll lanes on I-405 north of Bellevue, and implementing express toll lanes on I-405 south Bellevue, as called for in the I-405 corridor Master Plan.



# WILLOWS ROAD REGIONAL TRAIL CONNECTION

DEVELOPING MULTI-MODAL TRANSPORTATION TO PREPARE FOR FUTURE GROWTH



**The Willows Road Regional Trail Connection** will create a safe walking and bicycling link to transit centers, the Totem Lake and Redmond urban centers, Woodinville's Wine Country, as well as high-tech, aerospace and manufacturing hubs.

## Connecting Communities and Commerce

This project will complement a walking and bicycling network that will connect to thousands of jobs, businesses and homes.

**T**he Willows Road Regional Trail Connection will provide a safe, separated shared-use trail that will connect Kirkland to King County's trail network and increase Kirkland's non-motorized access to transit and jobs. The project connects the Totem Lake and Redmond urban centers, Woodinville's Wine Country, the Willows Road high-tech corridor, as well as aerospace and manufacturing in Totem Lake.

**Capital Funding Request:** Up to \$2.8 million to complete the design and construction of a one-third mile pedestrian and bicycle connection. The connection can be designed and constructed in 12 to 18 months.

**Project timeliness:** Urgency for this non-motorized project is intensified by many Totem Lake-area development as well as impending regional trail improvements in King County and Redmond.

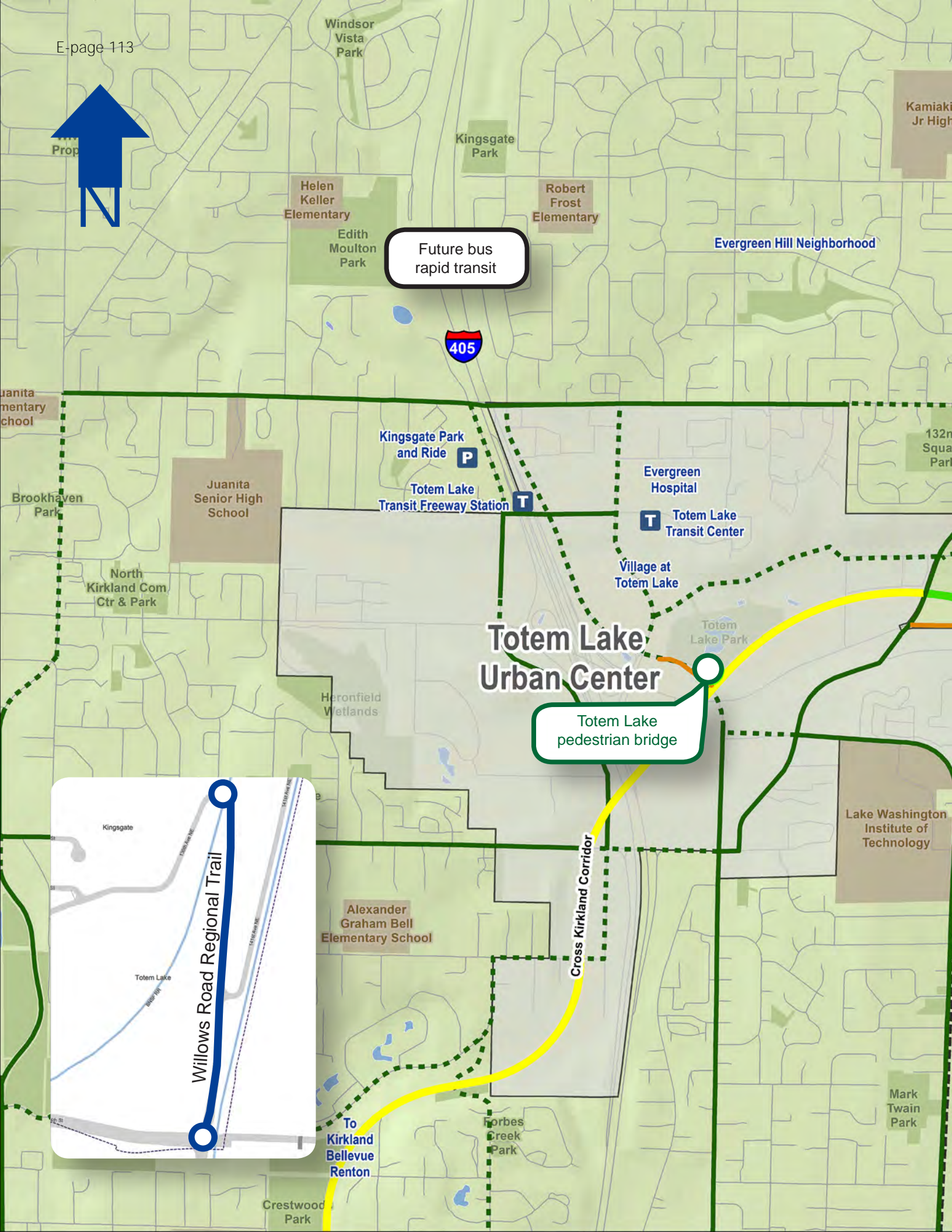
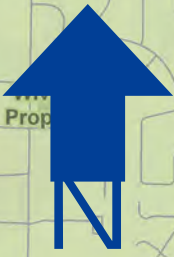
### CONTACTS

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City Manager  
(425) 587-3020  
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**Lorrie McKay**  
Intergovernmental Relations  
(425) 587-3009  
[lmckay@kirklandwa.gov](mailto:lmckay@kirklandwa.gov)





Future bus rapid transit

Totem Lake pedestrian bridge

# Totem Lake Urban Center



To Kirkland Bellevue Renton











# The MISSING link



The Willows Road regional trail connection will complete a walking and bicycling connection to Puget Sound's regional trail network, the Totem Lake and Redmond urban centers, the Woodinville Wine Country and the Willows Road high-tech corridor.

It will follow the east side of Willows Road between NE 124th Street and 139th Avenue NE. The Eastside Rail Corridor intersects Willows Road at 139th Avenue NE and the Sammamish River Trail intersects at NE 124th Street.

## LEGEND

-  Willows Road Regional Trail Connection
-  Existing bike lanes
-  Planned bike lanes/facilities
-  Funded bicycling/pedestrian projects
-  Cross Kirkland Corridor
-  Redmond Central Connector
-  Park & Ride
-  Transit Center

**Connection to destinations:** The Willows Road Regional Trail Connection provides alternative transportation and recreation to a variety of commercial, transit, residential and medical destinations, including:

- The Village at Totem Lake, as well as several upcoming residential and commercial developments in the Totem Lake Urban Center.
- The high-tech corridor of Willows Road; aerospace and manufacturing companies in Totem Lake.
- Evergreen Health Hospital, Kirkland's largest employer.
- ParMac Business District along the Cross Kirkland Corridor.
- Lake Washington Institute of Technology.
- Sound Transit's future bus rapid transit stop at the Kingsgate Park and Ride, which includes a new 600-stall parking garage, as well as a proposed Transit-Oriented Development.
- Two Urban Centers (Totem Lake and Redmond) and the Woodinville Wine Country.
- More than 20,000 existing housing units and 1,800 businesses within half mile of Cross Kirkland Corridor.

**Connectivity:** The Willows Road Regional Trail Connection will amplify the connectivity of public and private projects that are either planned or complete. Those include:

- Extensions of pedestrian and bicycle improvements along 139th Avenue NE, from Astronics Corporation to the Evergreen Hill Neighborhood: (Public/private partnership project between Astronics Corporation and City of Kirkland estimated at \$800,000 and to begin in 2017).
- Links to privately funded bike lanes being constructed along NE 124th Street from Willows Road to Slater Avenue. (Proctor Willows is constructing 425 new residential units and 15,000 square feet of commercial ground floor retail to the southwest corner of Willows Road and NE 124th Street).
- Local and regional connections to the Cross Kirkland Corridor, less than a mile away. In January 2015, Kirkland completed construction of a 5.75-mile multi-use path along the Cross Kirkland Corridor, which connects to East Link in Bellevue and beyond.
- An extension of the \$12.1M Totem Lake Connector Pedestrian Bridge (currently in pre-design phase).
- The City of Redmond's plans to construct a trail along the Redmond Central Connector from Redmond Central Connector Phase II (NE 100th Street) to the Kirkland/Redmond boundary.
- King County's plans to do a request for proposals/qualifications for a potential excursion train along the



The Village at Totem Lake is one of many mixed-used developments that would benefit from this shared-use trail. In total, Kirkland has permitted or is reviewing 3,376 residential units and 482,376 square-feet of commercial space.

Eastside Rail Corridor north of 132nd Avenue NE in 2017. The Willows Road Regional Trail Connection will benefit the planned Eastside Rail Corridor trail as well as an excursion train.

**Policy Direction:** Regional and local jurisdictions have identified the Willows Road Regional Trail Connection as an essential non-motorized link. Those policies include:

- King County's Eastside Rail Corridor Master Plan, which calls for "a new shared-use path connection from the hairpin bend in Willows Road NE connecting down to the NE 124th Street intersection."
- King County Council's November 2015 approval of Motion 14455, which says "if no feasible proposal for rail-based service be submitted ... (rail) removal activities will start on the mainline portion of the Eastside Rail Corridor and then move to the Redmond Spur." The rail-based service proposal phase is expected to conclude in mid-2017.
- The Regional Advisory Council's Eastside Rail Corridor report (Creating Connections, Oct. 2013), which calls for developing a continuous trail between Kirkland and Redmond. "Making these connections will also ensure the Eastside Rail Corridor is accessible to more people who live, work, commute and play in this region."
- Kirkland's Totem Lake Neighborhood Plan, which calls for establishing "a transportation network that emphasizes pedestrian and transit use and is consistent with the regional transit plan." (Goal TL-13).

**Coordinating entities:** The project involves coordination with King County, City of Redmond, the Eastside Rail Corridor Regional Advisory Council, Sound Transit, Puget Sound Energy and Private Development.

Association of Washington Cities **COMMENTS**  
Language relating to Deployment of Small Cell Facilities, Pole Attachments, and Utility Relocation  
2/01/17

Thank you for the opportunity to provide comments on the draft telecommunications language distributed a few days ago. Cities have compiled some general comments about the scope and direction of this draft bill, and comments on specific issues raised in this proposal.

First, it is important to state that this is not exclusively a “5G” bill, as has been stated before. This is a far-reaching proposal that preempts local governments on matters pertaining to accessing the rights of way, accessing municipally owned properties both in and out of the rights of way, permitting and zoning, timelines and costs relating to each of these. Other issues have been raised as well, such as utility relocation issues pertaining to regional transit authorities and a universal service program affecting incumbent local telephone providers.

**Access to rights of way.**

As one of our cities describes it, rights of way are big, expensive and complex pieces of critical public infrastructure that encompass vehicle traffic including major signalization, pedestrian rights of way including safety structures, and major underground and overhead utilities (such as natural gas and other hazardous liquids, electric, water, sewer, stormwater, telephone, wireless telecommunications, and street lighting). The public rights of way provides a gateway to local businesses and upholds unique aesthetic standards as desired by each community. Rights of way are purchased and maintained at taxpayer expense. This bill language could be interpreted to give a right to providers to install new or replacement poles throughout cities in areas that are closely regulated and protected such as open space, parks, residential districts, historic districts, shorelines or other environmentally fragile areas, or locations that have been previously undergrounded at great tax payer expense without minimal city oversight.

**Access to municipally owned poles, light standards or other facilities.**

The erection of taller poles should not be within the sole discretion of the provider. Allowing a telecommunications provider to determine appropriate height of a pole eviscerates decades of community planning and aesthetic policies implemented by cities in order to promote tourism, reduce light pollution, increase property values and diminish the unsightly visual impact on residents and businesses. If usage of municipal owned poles is not appropriate, cities currently have the discretion to put in taller or new poles where appropriate. Therefore, restricting this discretion would be a significant loss of local control over infrastructure in the rights of way. The rights of cities to maintain the aesthetics of its community is further recognized by the Ninth Circuit Court of Appeals in its application of federal law to telecommunications siting requests for cell towers and by the FCC on city-owned poles and in historic districts. This same principle was recognized by the State legislature in RCW 35.99.030(7) which states that the statute does not create a new duty on cities or towns to be responsible for construction of facilities or to modify the rights of way to accommodate telecommunications facilities. If

access to city-owned poles is not available, telecommunications providers may have access to utility poles, rooftops of neighboring buildings, or alternative means (such as a macro-facility) to deploy their network.

Another issue that comes up is safety. For cities that own and maintain (or co-own) electrical poles, there are federal standards such as FERC/NERC, NESC and FCC. These standards are in place for the safety of city workers, contractors and the public. Further, technical issues related to maintaining and paying for electrical power and running underground backhaul fiber to city owned poles remains a fundamental concern to the cities.

#### **Access to city-owned property outside the rights of way.**

This proposal is a clear taking of a local government's property rights. Currently, a city (like any other property owner) has the right to determine when and where it will grant a lease. Importantly, cities maintain park property to provide outdoor community spaces to their citizens. Unencumbered access to city property would have a negative impact on community parks and outdoor spaces.

#### **Permitting and siting process.**

This bill appears to give preference to siting these telecommunications facilities over other types of permits cities issue (without a good policy justification for doing so). It puts small cell siting applications ahead of other telecommunications services, such as backhaul, which is typically a prerequisite for small cell installations. In addition to moving this type of utility to the "front of the line", the proposal makes no exception for siting in shorelines, critical areas, downtown areas or historic districts. There should be no blanket authority to site these facilities, and they should not be given preferential treatment.

Furthermore, the extremely tight timelines proposed in this draft do not take into consideration the necessary and appropriate public process, or other extenuating but related circumstances. In addition, the timelines create further complication for cities as they conflict with both the timelines created by RCW 35.99.030 for other telecommunications providers and the FCC shot clocks for siting wireless facilities.

#### **Costs.**

There is no need for a legislatively mandated cost formula for charging for pole attachments. The current statutory language regarding utility poles, in place for decades, has been upheld by the courts on a number of occasions, affirming the rates are fair, just and reasonable.

In addition, a cap placed on application and processing fees ignores the bargain struck between providers and cities under RCW 35.21.860. The cap proposed by this draft legislation is not based on actual costs for cities or an appropriate value for city-owned poles. It also would incentivize carriers to deploy on city-owned poles rather than on utility-owned poles that already have existing infrastructure to handle small cell deployment. If providers believe the charges for ground rental or pole attachments are too high, RCW 35.21.860 includes a binding arbitration process that evaluates "comparable siting agreements involving public land and rights-of-way".



### **Morphing of a Small Cell.**

There are two provisions in the proposed legislation that create significant unintended consequences and allow modifications to a small cell such that it no longer fits into the original intent of the proposed legislation. The first is the proposed addition in RCW 80.36, which allows without application, permit or fee, strand mounted facilities. This would allow boxes that may be as long as two feet to sit in the middle of a wireline, possibly in the middle of streets, over sidewalks, and blocking residential and commercial views without any city oversight. Though the proposed statute states that such facilities must be compliant with national safety codes, without a permit or an application, the city has no way of monitoring or enforcing this requirement. This could create a major public safety issue.



**1 Strand Mounted Facility**

Secondly, the proposed legislation includes a restriction against imposing any concealment, stealth or aesthetic requirements. This is directly in contradiction to the allowance by the FCC to impose concealment requirements on telecommunications facilities. It also removes one of the key shields that cities have against the morphing of telecommunications facilities under Section 6409(a) of the Spectrum Act and its implementing regulations. Under these regulations, cities must permit modifications of wireless facilities such as an increase in height by 10%, or an increase of width by six feet. These same regulations do not require cities to approve modifications that will defeat concealment elements. An original small cell deployment may include an antenna array flush mounted at the top of the pole; if a city may not designate the flush mounting as a concealment standard, a telecommunications carrier may then modify the antenna array to sit six feet off the pole, therefore turning the small cell into a macro facility.



## 2 Photo Simulation

Lastly, the removal of concealment requirements eliminates the collaboration currently happening nationally between cities and the telecommunications carriers (for example the City of Spokane and the City of Cincinnati). The telecommunications carriers have recognized municipal concerns over aesthetics and not wanting unsightly telecommunications facilities in the rights of way. They have developed creative solutions in response to municipal concerns. Some of these creative solutions include redeveloping light standards, creating pole top canisters, placing radio equipment behind parking signs on poles, or even just painting the facilities to match the wood poles. With the proposed restriction on concealment requirements, the carriers will have no incentive to collaborate with the cities on decorative light standards or other camouflaging methods.

### "Small Cells"



**Without collaborative City input:  
"Small Cell" at  
4471 Moraga Ave  
Oakland** →  
*(bulky boxes, tacky  
bundles of wiring below  
unpainted antennas and  
noisy cooling fans)\**

← **With collaborative City input:  
Verizon at 1367 Jones Street  
in San Francisco**  
(unobtrusive and noiseless)  
320 built; another 200 expected for other carriers



### What does this proposal really accomplish?

It is important to point out that there are at least six different telecommunications providers planning to install small cell facilities in the greater Puget Sound region: AT&T, Verizon, T-Mobile, Sprint, Crown Castle, and Mobilitie. There may be others, and there may be more yet to come. It is critical that local governments are not impeded in their ability to facilitate installation, oversee rights of way management or balance community interests with the desire for more advanced communications services.

We have stated to lawmakers and have testified that this sweeping preemption proposal is simply unnecessary. Many of our cities have adopted new codes, are working on new codes or are in the process of working with providers to install equipment, including 26 cities that have shared a model draft ordinance to streamline small cell facility deployment with the carriers. Every community wants a faster cellular network - it's good for citizens, businesses, government operations and the economy. Since the 5G spectrum will not be auctioned off until 2020, the effort right now appears to be on improving and densifying the current structure of 3G or 4G. This is not an insurmountable effort and yet this proposal goes far beyond that intended goal.



October 17, 2017

Mr. Ajit Pai  
Chairman, Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20510

Dear Chairman Pai:

On behalf of the nonpartisan organizations of the nation's city and county elected officials, we write to urge you to work more closely with local governments to enhance broadband access and accelerate broadband infrastructure deployment.

In particular, we write to urge you and the agency to more fully consider local perspectives in two Notices of Proposed Rulemaking/Notices of Inquiry titled "Accelerating Wireline/Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment" (WT Docket Nos. 17-79 and WC Docket No. 17-84). We also request you provide for an appropriate level of local government representation on the Broadband Deployment Advisory Committee (BDAC), if this body is to be continued, so that local governments can have more input into both the BDAC's and the Commission's deliberations on matters such as these two rulemakings and other proceedings related to broadband deployment in the future.

Specifically, we write at this time to request that going forward the Commission:

- Protect local authority over rights-of-way, honor our Constitutionally guaranteed protection of fair compensation on the use of public assets, and maintain our Congressionally recognized right to govern the siting of cell towers and small cells in our communities; and
- Address the perception that BDAC is solely interested in pursuing industry goals by making all meetings public, and sharing drafts of all BDAC working documents on the FCC's homepage – in so doing, the Commission and the BDAC would be the beneficiaries of input from a broader group of stakeholders;
- Enhance the scope of the BDAC's mission to consider the broadband industry's responsibility for the broader deployment of wired and wireless broadband services while increasing network quality and lowering the costs to all Americans, including those in rural and low-income areas – today, the BDAC focuses solely on city and state regulations and matters such as pole attachments, missing many other obstacles to broadband deployment, such as broadband industry provider practices and market structure; and
- Provide sufficient time for the BDAC to develop informed opinions that can be shared in interim final reports that are made subject to public review, and guarantee that there is an extended public comment period on materials offered by the BDAC before finalizing any BDAC reports and before the Commission takes any final action in Docket Nos. 17-79 and 17-84.




Chairman Ajit Pai  
Page 2  
October 17, 2017

By making these changes, the work of the BDAC will be more transparent, data-driven, balanced, forward-looking, and fair. Moreover, because universal access to affordable broadband is so important to our constituents, local elected officials would welcome a BDAC report that outlines the identification of shared challenges and suggested responses for issues such as network-level deployment, design standards, and batch permit processing. We also believe the BDAC would serve the nation well by documenting the need for targeted federal subsidies for building out low-density areas and offering federal grant programs and other resources that allow local governments to replicate successful approaches in other jurisdictions.

Local governments and their elected leaders share your goal of promoting broadband deployment and enhancing access to affordable broadband services. We urge you to work collaboratively and fairly with us in achieving this shared goal.

Respectfully submitted,



Hon. Roy Charles Brooks  
President  
National Association of Counties  
Commissioner  
Tarrant County, Texas



Hon. Matt Zone  
President  
National League of Cities  
Councilmember  
Cleveland, Ohio



Hon. Mitch Landrieu  
President  
The U.S. Conference of Mayors  
Mayor  
New Orleans, Louisiana

CC     Commissioner Brendan Carr  
       Commissioner Mignon Clyburn  
       Commissioner Michael O’Rielly  
       Commissioner Jessica Rosenworcel

Governor Jay Inslee  
Office of the Governor  
State of Washington  
PO Box 40002  
Olympia, WA 98504

Dear Governor Inslee,

On behalf of Washington's 281 cities and towns, I am writing to ask you to support additional funding for the Basic Law Enforcement Academy (BLEA) in your 2018 supplemental operating budget. In order to adequately meet the state's peace officer training needs, we are supporting the Criminal Justice Training Commission's decision package that requested additional funds for two additional BLEA classes in FY 2019.

We request that you include the additional \$748,000 to cover the two additional BLEA classes in FY 2019. The net-cost to the general fund would be \$526,000 because local agencies pay a statutory 25 percent cost-share plus the full cost of ammunition. These additional classes would provide training for at least 60 new peace officers.

The state and local governments have enjoyed a strong partnership in BLEA, which is a nationally recognized model for centralized, high-quality training. Local governments have helped pay for the program since its inception through a traffic ticket surcharge, and previously through a dedicated account, and now pay through direct revenue to the general fund.

We recognize and appreciate the enacted 2017-19 operating budget which provided funding for 16 BLEA classes per year. It is imperative that we continue working together to monitor and respond to the increasing demand for peace officer training caused by retirements and our state's rapid population growth.

Strong BLEA funding is one of the best ways to ensure that Washingtonians get the well-trained, community-oriented law enforcement professionals they deserve.

Thank you for your time and attention to this matter.

Respectfully,

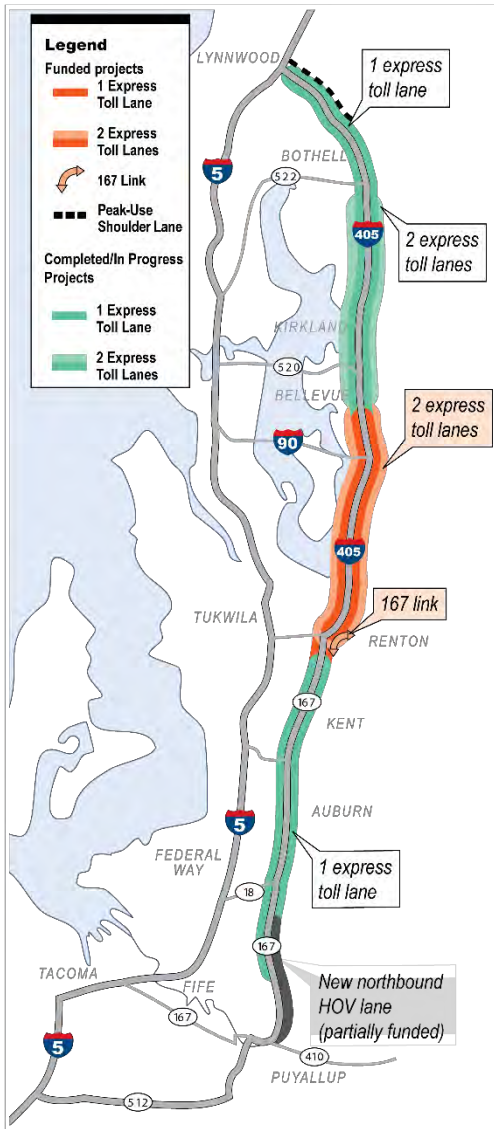


Dave Williams

Government Relations Director

CC: Drew Shirk, Executive Director of Legislative Affairs  
Scott Merriman, Legislative Liaison  
Sonja Hallum, Senior Policy Advisor

# 40-MILE CORRIDOR



The existing I-405 express toll lanes between Bellevue and Lynnwood are part of a planned 40-mile corridor that will ultimately extend south to the Pierce County line. This system will provide drivers with an option for a faster, more reliable trip. Immediate next steps include:

## I-405 Bellevue to Lynnwood Express Toll Lanes

- Opened September 2015

## SR 167 HOT Lane Extension

- Opened December 2016

## I-405/SR 167 Direct Connector

- Under construction
- Open to traffic in 2019

## Renton to Bellevue Widening and Express Toll Lanes

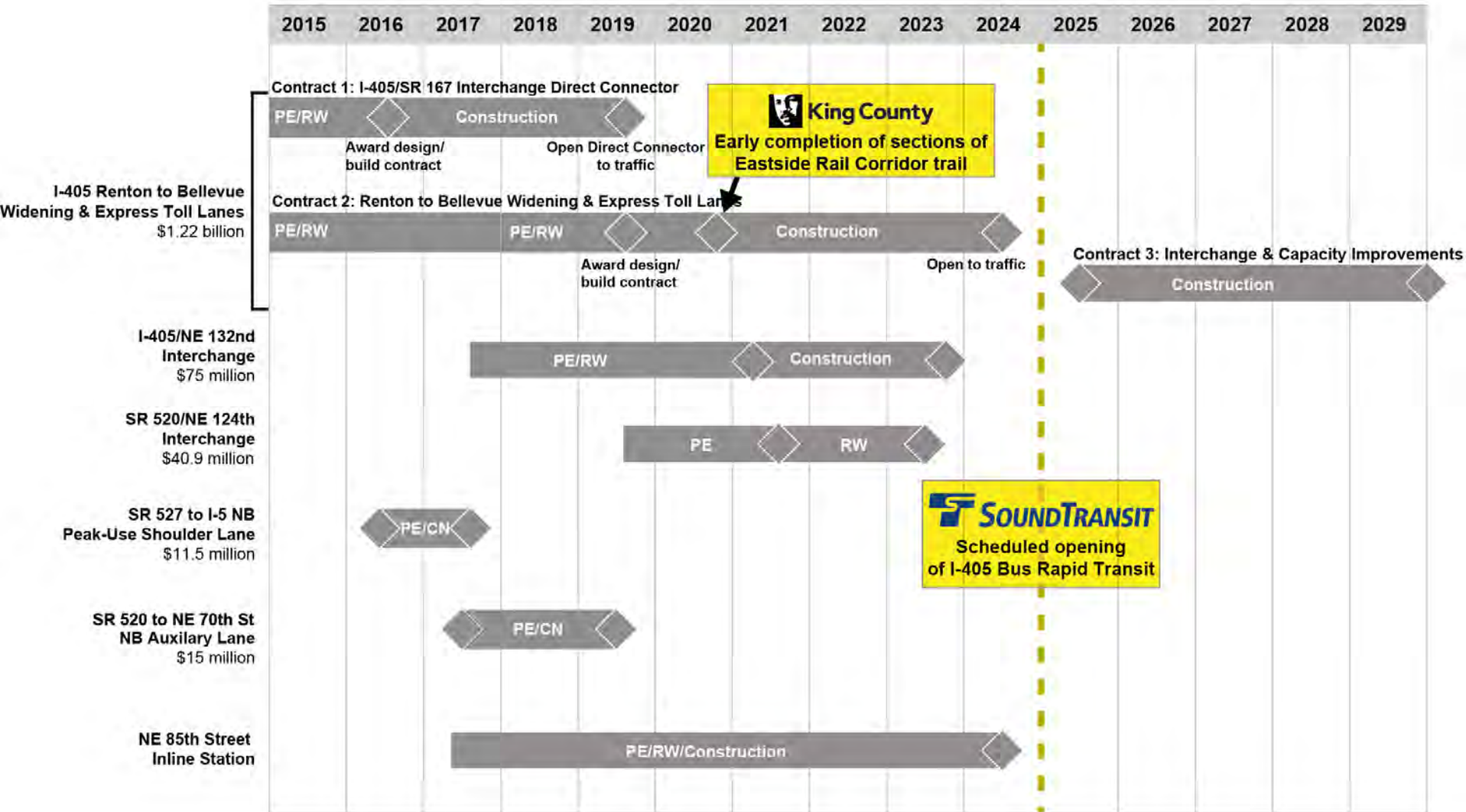
- Construction to begin in 2019
- Open to traffic in 2024

## I-405 North End Improvements

- Legislature authorized \$5 million toward preliminary engineering



# I-405 Delivery Schedule: Current Funding



# EXPRESS TOLL LANE BASICS



**24.9 MILLION** TOTAL TRIPS



**17.2 MILLION**  
TOLLED TRIPS

**7.7 MILLION**  
FREE HOV TRIPS

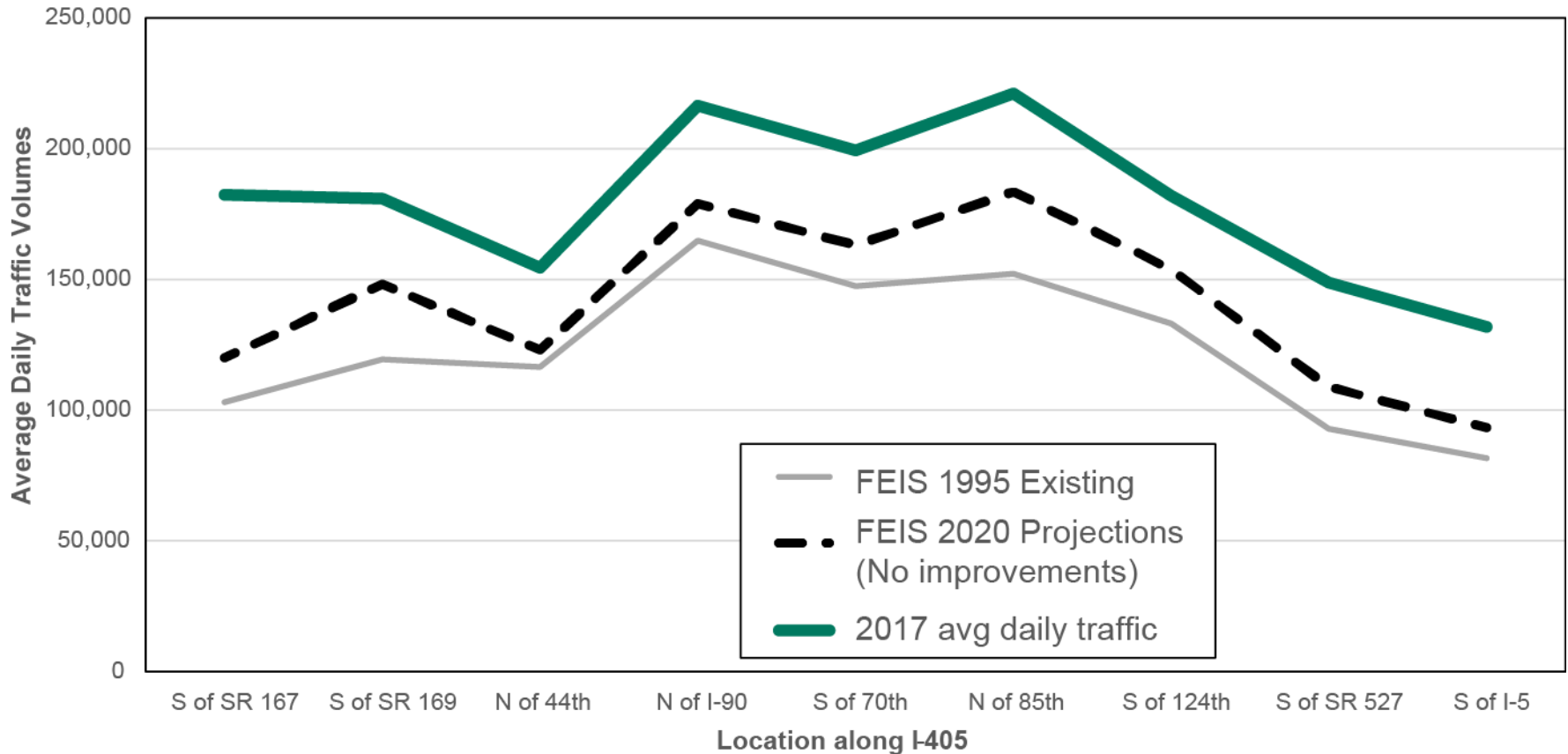
- Opened Sept. 27, 2015
- 15 miles of express toll lanes
  - **Dual-lane section:** Two express toll lanes each direction between Bellevue and Bothell
  - **Single-lane section:** One express toll lane each direction between Bothell and Lynnwood
- Operation hours: **5 a.m. to 7 p.m. Mon – Fri**
- Tolls and exemptions
  - Single-occupancy vehicles use the lanes for a toll
  - **Transit and vanpools always toll-exempt**
  - Qualifying carpools are toll-exempt

# Why build express toll lanes?

E-page 128

- Traffic growth has already exceeded 2020 projections in I-405 Master Plan
- Express toll lanes help manage demand for limited roadway space

## I-405 Average Daily Traffic: Projected vs. Actual Current Volumes



Sources: I-405 Congestion Relief and Bus Rapid Transit Program Final Environmental Impact Statement

# I-5 HOV and regular lanes experience extremely heavy traffic during rush hour

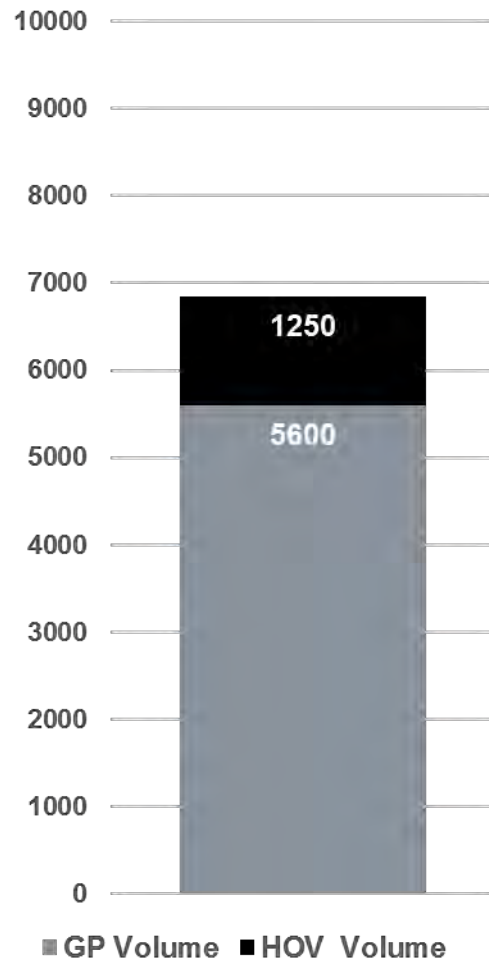
## Northbound I-5 (Northeast 130th Street)

Daily Volume: 105,000

Stop and Go Heavy Moderate Freeflow



### Peak-Hour Volume



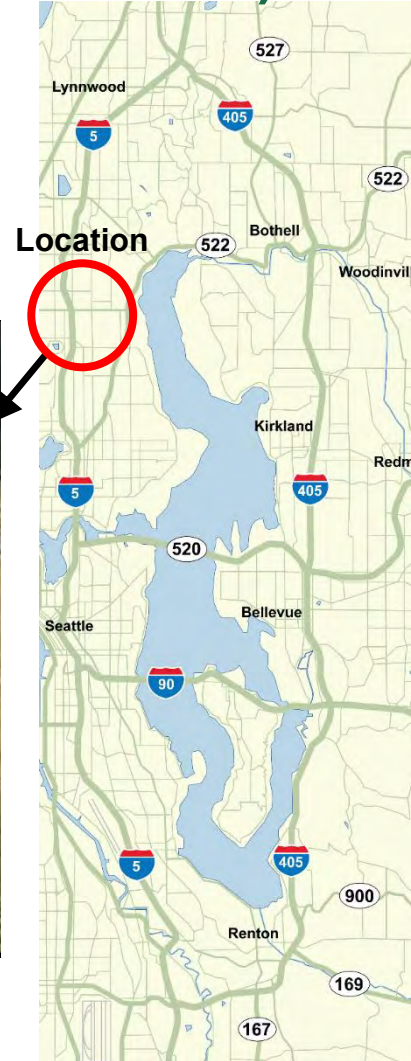
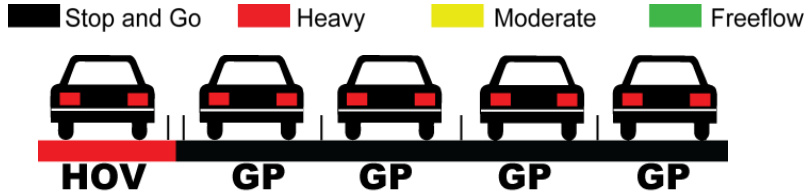
Tuesday, July 12, 2017 4:50 p.m.



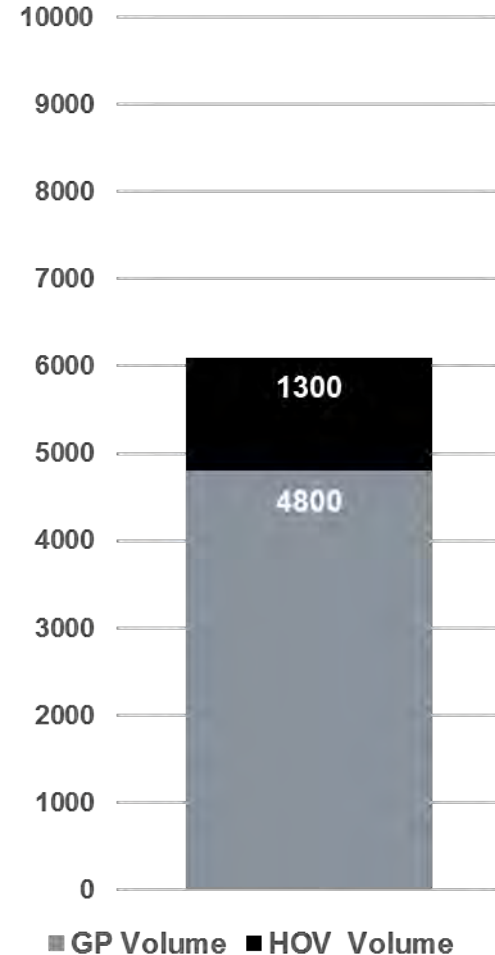
# I-5 HOV and regular lanes experience extremely heavy traffic during rush hour

## Northbound I-5 (Northeast 145th Street)

Daily Volume: 89,000



### Peak-Hour Volume



Tuesday, July 11, 2017 5:20 p.m.

# I-405 express toll lanes offer a more reliable choice during morning rush hour

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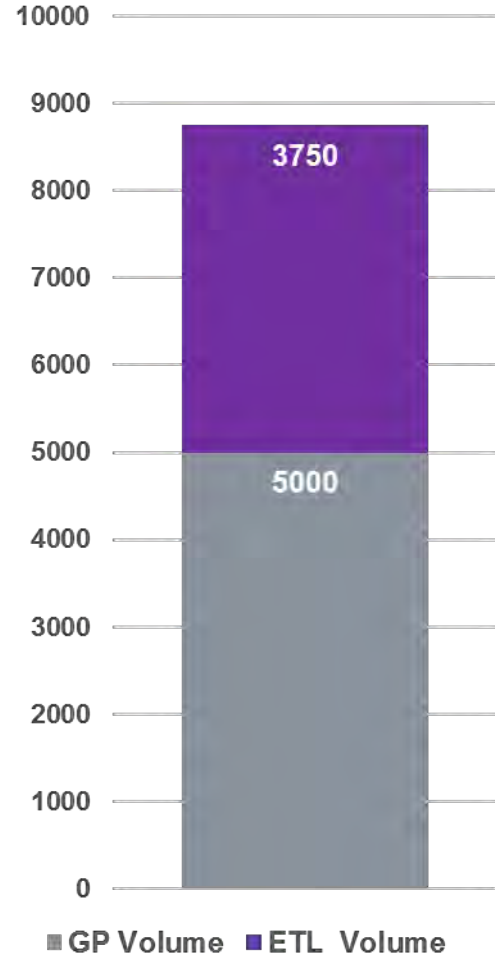
## Southbound I-405 (north of Northeast 85th Street)

Daily Volume: 110,000

■ Stop and Go   ■ Heavy   ■ Moderate   ■ Freeflow



### Peak-Hour Volume



Tuesday, July 26, 2017 8:45 a.m.



# I-405 express toll lanes offer a more reliable choice during afternoon rush hour

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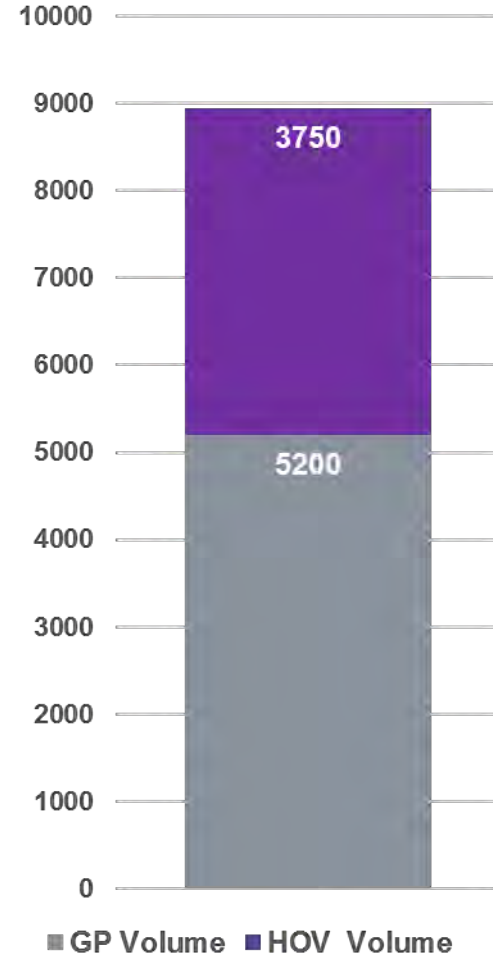
## Northbound I-405 (north of Northeast 85th Street)

Daily Volume: 107,000

■ Stop and Go   ■ Heavy   ■ Moderate   ■ Freeflow



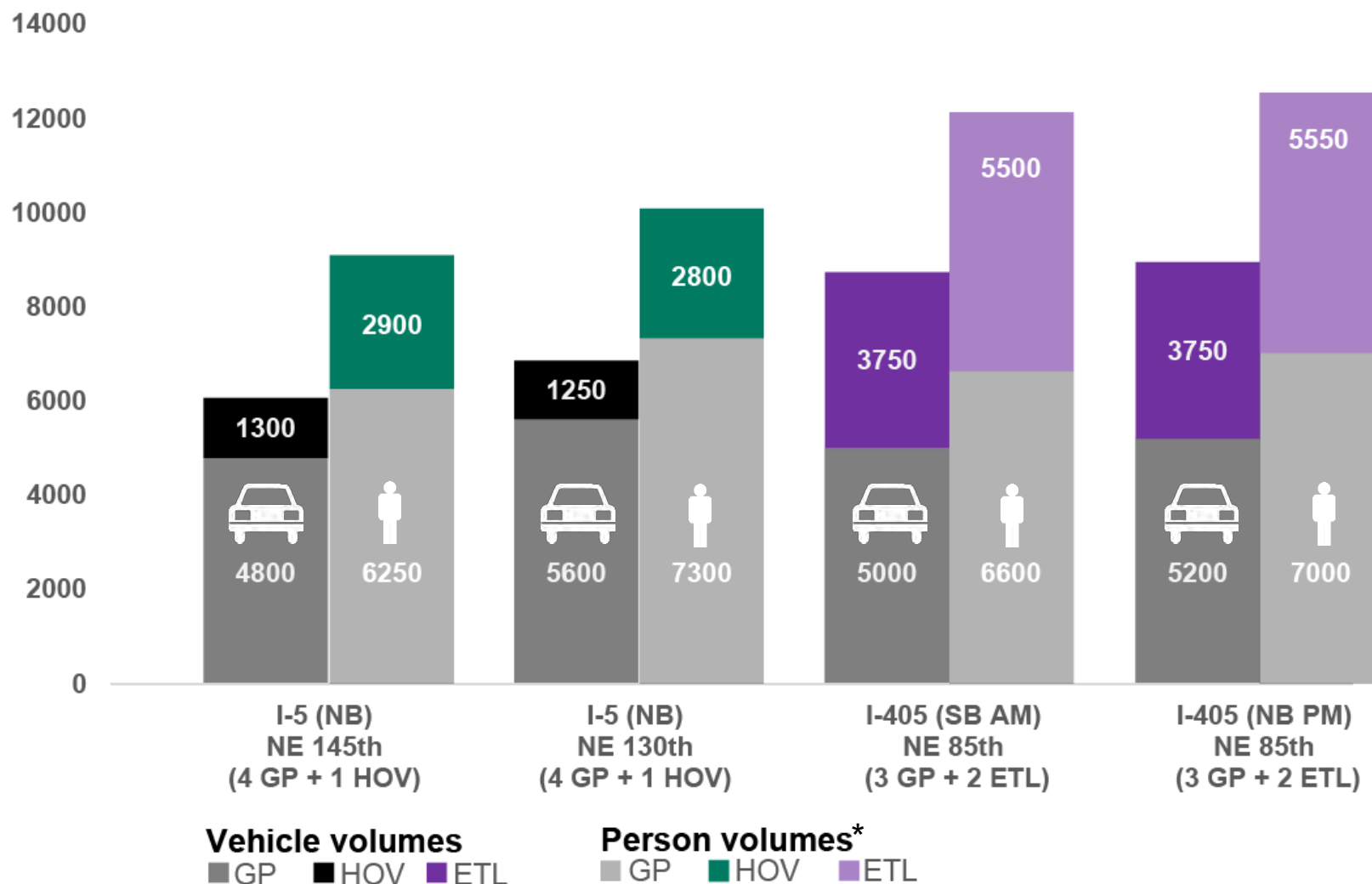
### Peak-Hour Volume



Tuesday, July 25, 2017 4:30 p.m.

# Comparison of volumes moved in five-lane sections of I-405 and I-5 with similar daily traffic

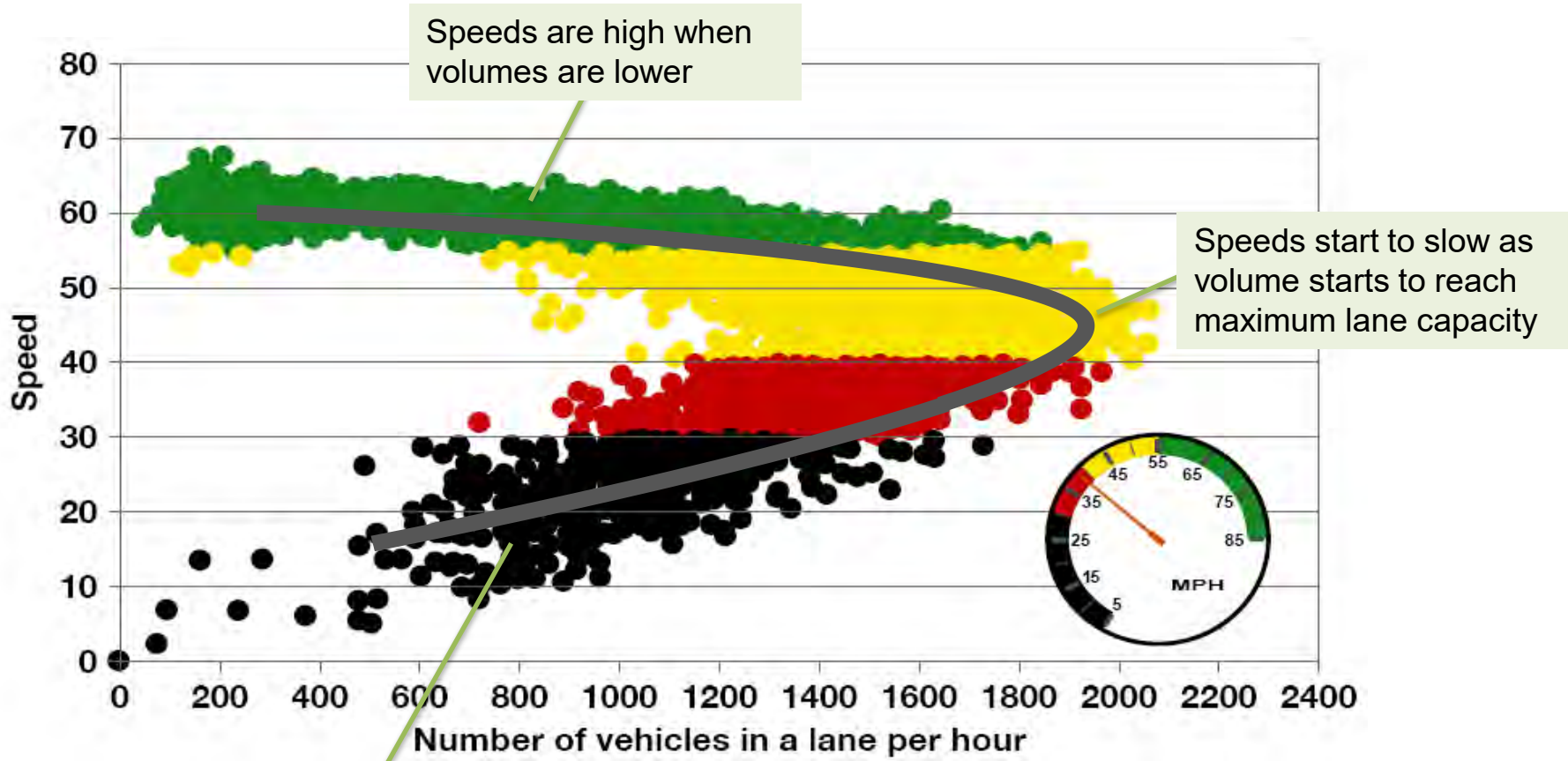
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\*I-5 person estimates based on TRAC occupancy data (2012). I-405 person estimates based on occupancy sampling (2017). Transit ridership not included in person estimates.



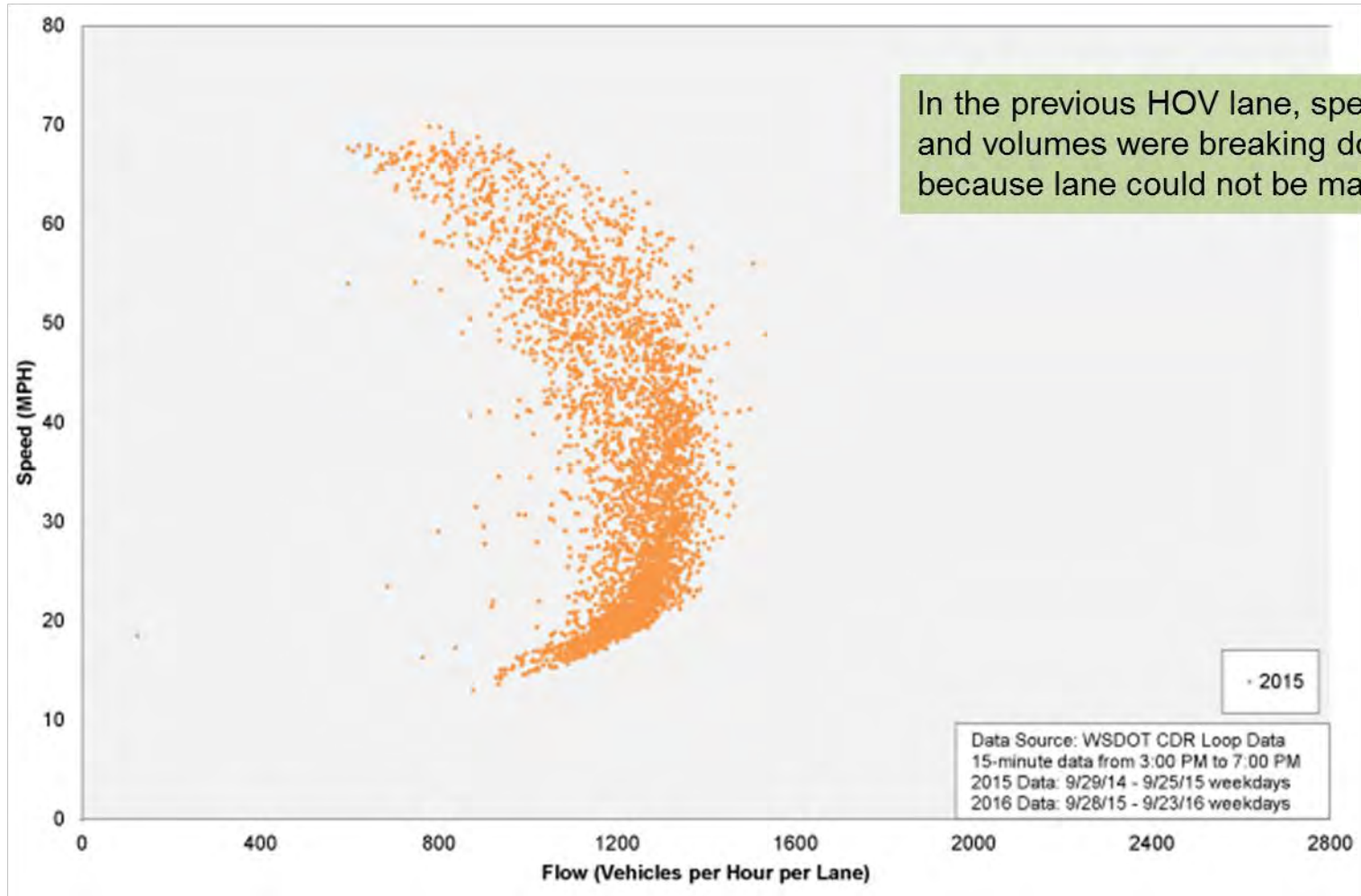
# Sample I-405 speed-flow diagram South Bellevue



When demand gets too high, the lanes break down into stop and go conditions with low volumes

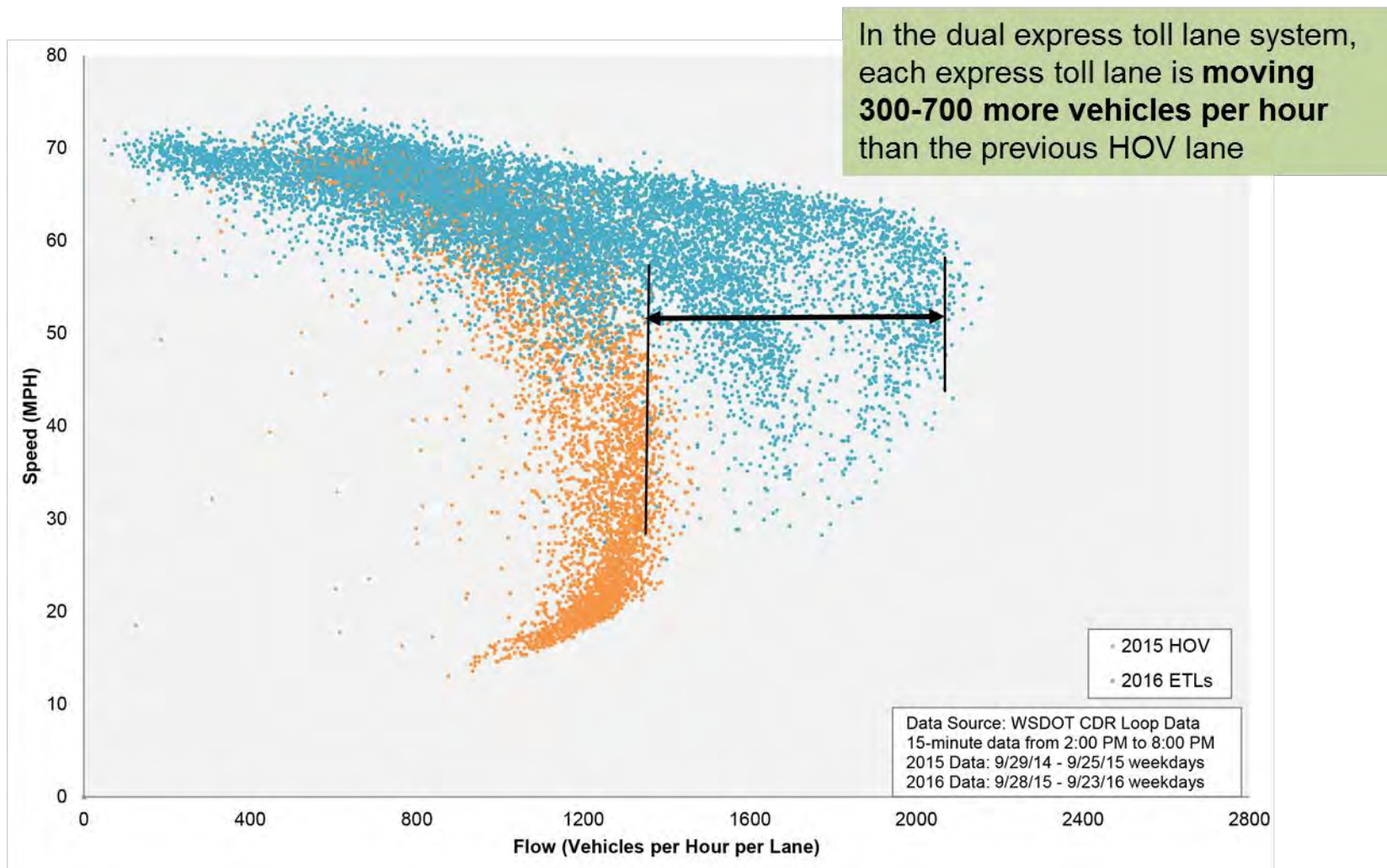
# Why two express toll lanes work better than one HOV lane

## Northbound I-405 (north of NE 85th St) Speeds and Volumes



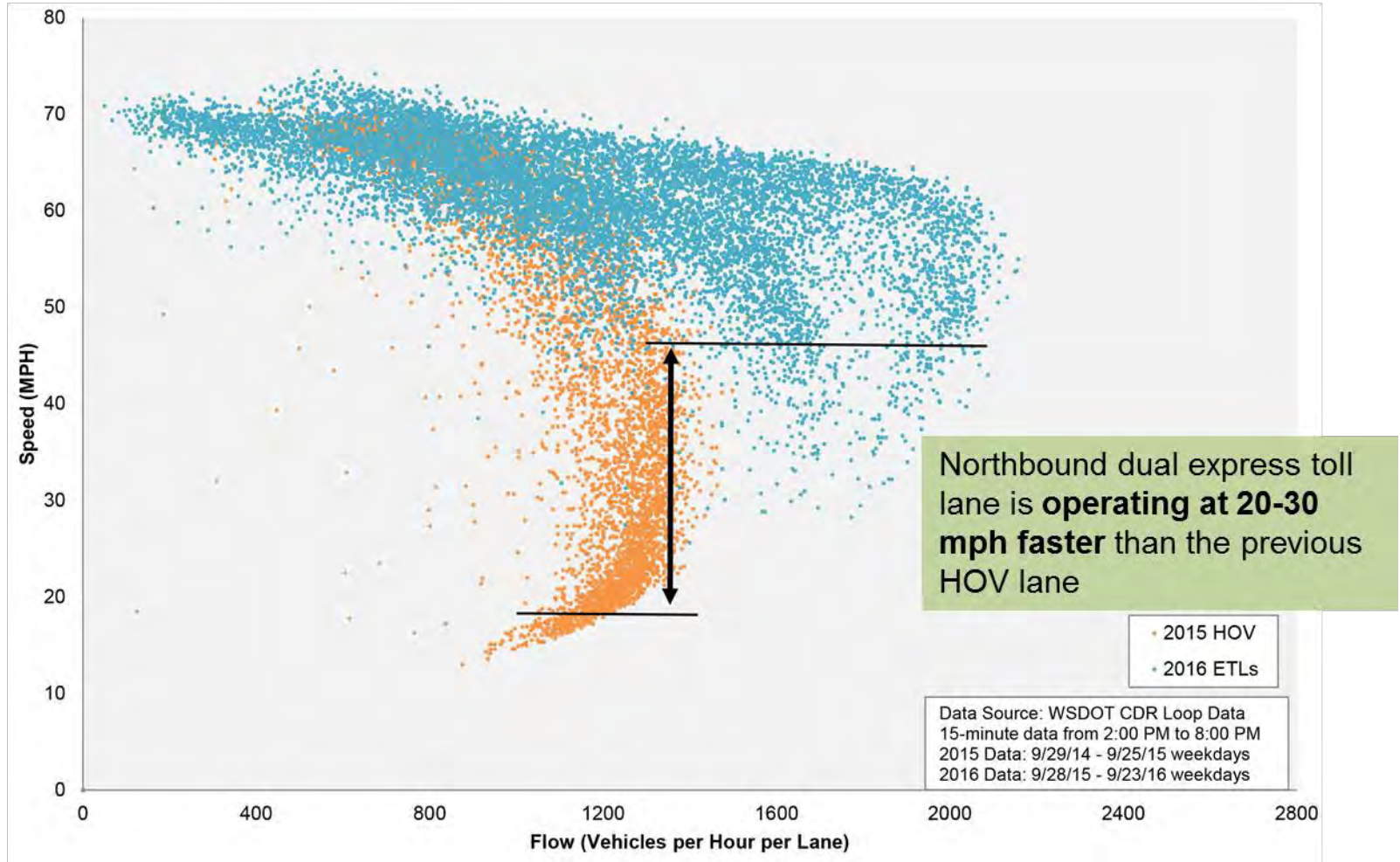
# Why two express toll lanes work better than one HOV lane

## Northbound I-405 (north of NE 85th St) Speeds and Volumes



# Why two express toll lanes work better than one HOV lane

## Northbound I-405 (north of NE 85th St) Speeds and Volumes





# Consequences of removing express toll lanes

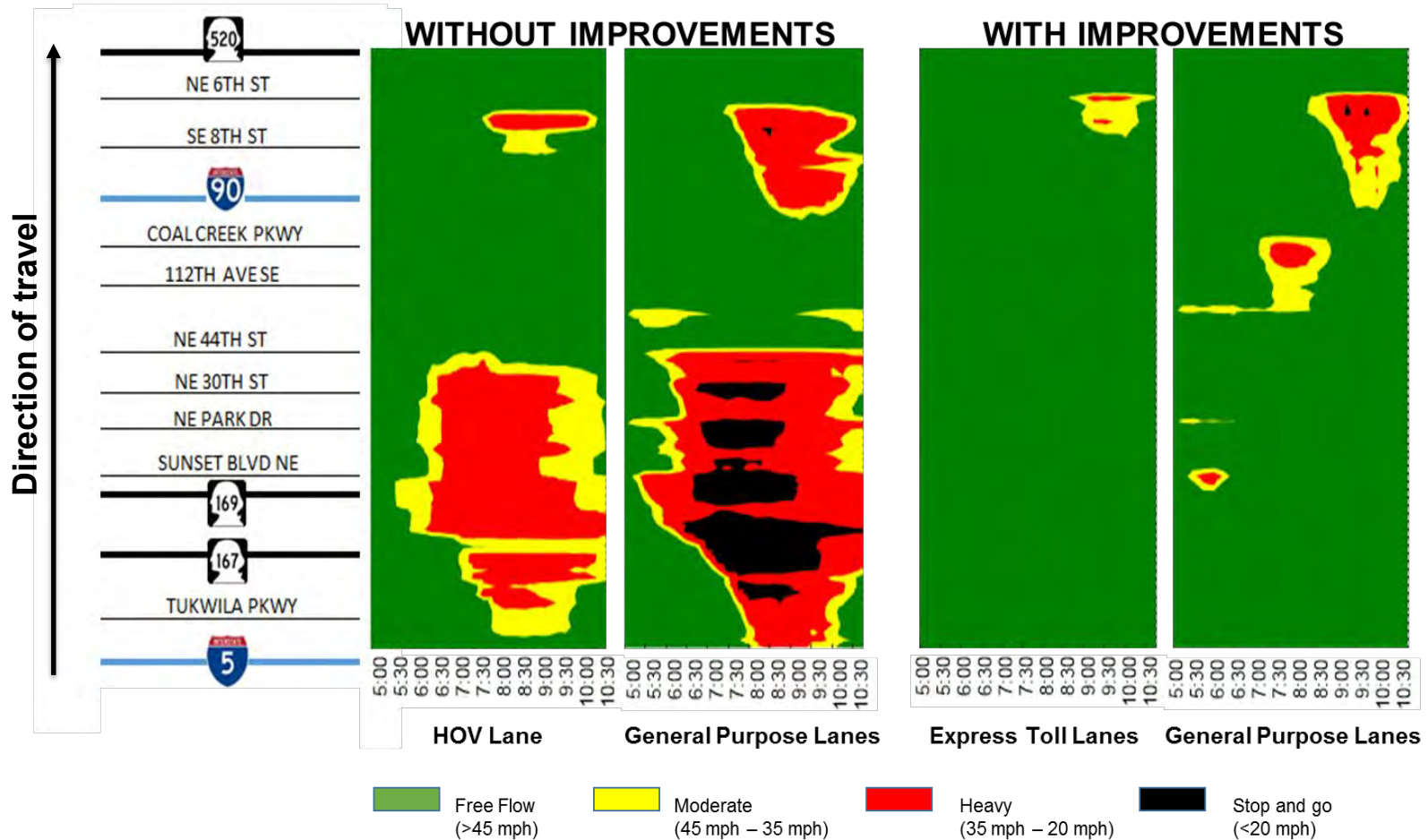
E-page 138

- **Overall traffic performance degrades**
  - Continued regional growth creating even more demand
  - No choice for a reliable trip without managed lanes
- **Transit reliability suffers**
  - Sound Transit investing \$860M in I-405 Bus Rapid Transit system from Lynnwood to Tukwila
  - Improvements achieved in Bellevue to Lynnwood segment would be lost
- **New revenue source disappears**
  - No clear path or timeline for funding additional Master Plan improvements



# Renton to Bellevue traffic would continue to worsen without improvements

## 2025 Morning Commute, Renton to Bellevue (5 to 11 a.m.)



# Resilient Washington Subcabinet Report

Findings and Recommendations

*August 2017*





# Acknowledgments

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This report was developed as a collaborative effort by the Resilient Washington Subcabinet Project Team from the Washington Military Department’s Emergency Management Division on behalf of Governor Jay Inslee and the Resilient Washington Subcabinet. The conclusions reached reflect the result of a collaborative effort to consider all points of view by many contributors, and we appreciate the participation and support of the following contributors in producing this report:

Allyson Brooks, Washington State Historic Preservation Officer  
Barbara Thurman, Washington Office of Superintendent of Public Instruction  
Bill Steele, Pacific Northwest Seismic Network  
Brian Buchholz, Washington Office of the Attorney General  
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### A special thanks to Gov. Jay Inslee and the Resilient Washington Subcabinet:

Bret Daugherty, Washington Military Department  
Brian Bonlender, Washington Department of Commerce  
Chris Liu, Washington Department of Enterprise Services  
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Cyrus Habib, Lt. Governor  
David Danner, Washington Utilities and Transportation Commission

Hilary Franz, Washington Department of Natural Resources  
John Wiesman, Washington Department of Health  
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Roger Millar, Washington Department of Transportation



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# Executive Summary

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Washington State has the second-highest earthquake risk in the United States. The 700-mile Cascadia Subduction Zone (CSZ) represents an extreme threat to the Pacific Northwest, capable of generating a magnitude 9.0 or higher earthquake and a tsunami. The most recent studies estimate 10,000 fatalities and direct economic losses of more than \$80 billion combined for Washington and Oregon. In addition to the CSZ offshore, Washington's mainland is littered with active crustal faults which pose seismic hazards; the histories and hazards of many of these faults are still being uncovered. Developing a state that is prepared for these impending natural disasters will significantly mitigate the damage they can cause to its people, property, economy, and long-term survival.

On November 4<sup>th</sup>, 2016, Gov. Jay Inslee issued Directive 16-19, establishing a Resilient Washington Subcabinet. Through this subcabinet, the Washington Military Department's Emergency Management Division was directed to assess our strategy in creating a resilient Washington State with regard to the hazards posed by earthquakes and tsunamis. In addition, a general goal of the Directive was to increase individual, family and business preparedness.

Workgroups consisting of key stakeholders and subject matter experts were formed to identify gaps; develop and prioritize actions; estimate implementation costs; and draft a report with initial findings and recommendations. The report that follows is a summary of the findings by the workgroups, and the implementation plans they developed. These initial action plans provide a foundation for more thorough and detailed scoping, both in terms of activities and costs, and are meant to help guide the best path forward for initial actions.

Significant work has already occurred to increase Washington's resilience to withstand earthquakes and tsunamis, yet much work remains to further this effort. As you will see throughout this report, there are many high priority actions that can be accomplished within existing resources or an additional incremental investment, such as integrating the WAsafe Program within the ESF-3 structure to rapidly conduct building assessments post-earthquake; establishing a stakeholder business continuity workgroup; and completing the master bulk fuel contract to improve fuel distribution post-earthquake. Despite being comparatively low cost, these action items will still require labor, agency leadership direction to reprioritize staff time from existing efforts, and substantial coordination across many entities.

Many of the actions identified by the workgroups are very similar and fall under four categories – Assessment, Inventorying, Data Collection and Storage; Building Code Revision; Outreach and Training; and Multi-Agency collaboration. Due to their similarities (i.e., schools, cities, and historic buildings, for example, will all benefit from a combined effort to inventory and create a database of vulnerabilities), there is significant potential for leveraging resources and effort across organizations to lower costs for these actions.

Several key actions will also require legislation and/or significant funding to accomplish, such as developing a state-level disaster recovery program; creating an earthquake insurance authority program; conducting seismic safety assessments on our school buildings; inventorying our earthquake-vulnerable

buildings; and supporting the building of tsunami vertical evacuation structures along the coast. While they do require capital investments, these actions are critical for making Washington resilient and offer some of the greatest opportunities to save lives and mitigate property damage – the highest priorities in any emergency.

Earthquake and tsunami resilience in Washington is a long-term goal. This document is meant to guide some of the first steps on that path, and outline future actions that need to be taken. To be successful in this long-term effort, Washington needs to establish a body, with corresponding authority and funding, to further the state’s resilience goals by facilitating efforts across state agencies. This effort will require the continued support of the Governor, Resilient Washington Subcabinet, Legislature, and all entities involved in creating this report.

**City of Kirkland 2018 Legislative Priorities – Status**  
**Updated: January 5, 2018**

Attachment C

<b>Legislative Priority</b>	<b>Bill #</b>	<b>Prime Sponsor</b>	<b>Status</b>
<p>New local funding and policy tools to address homelessness and create more affordable housing.</p> <ul style="list-style-type: none"> <li>Restore the Housing Trust Fund (HTF) to pre-recession levels</li> <li>Eliminate the sunset on REET 2 for housing needs</li> <li>Increase the document recording fee to better address homelessness and housing</li> <li>Clarify the impact fee statute to ensure exemptions apply to homeless shelters and increase allowable impact fee exemptions from 80% up to 100% of low-income housing, without reimbursement from other sources</li> <li>Allow councilmanic authority for currently authorized sales tax</li> </ul>	<p>SB 5086 HB 1075</p> <p>HB 1797</p> <p>HB 1570</p> <p><i>HB _____</i></p> <p>HB 1797</p>	<p>Sen. Honeyford Rep. Tharinger</p> <p>Rep. McBride</p> <p>Rep. Macri</p> <p>Rep. McBride</p> <p>Rep. McBride</p>	<p>Potential action on 2017 Capital Budget early in the session</p> <p>Bipartisan support in House</p> <p>Anticipate bill drop first week</p>
Support full funding of the State Emergency Management Div.	SB 6036 HB 2320	Sen. Mullet Rep. Reeves	1/9 – Scheduled for 8am hearing Senate Financial Inst. & Ins. 1/11 – Scheduled for 1:30 hearing in House Comm. Dev. Hsg & Tribal Aff.
Support passage of the capital budget that includes funding for connecting the CKC with the Redmond Central Connector	SB 5086 HB 1075	Sen. Honeyford Rep. Tharinger	
Support continued sustainable funding to maintain statewide training for law enforcement personnel to ensure no waiting period to get law enforcement trained and in the field			Sen. Kuderer is circulating a letter of support with Senate signatories Rep. Kloba is circulating a letter of support with House signatories
Support maintaining local flexibility in determining location, design and size of small cell (telecommunication) deployment with adequate cost control			
Support maintaining the express toll lanes on I-405 north of Bellevue, and implementing express toll lanes on I-405 south Bellevue, as called for in the I-405 corridor Master Plan			

\* No HIGHLIGHTS = No change in status from last update.



Bill #	Bill Short Title	Position	Companion	Notes	Leg Comm Review	Prime
<a href="#">HB 2251</a>	Concerning public facility districts	Neutral		No impact to Kirkland	1/5/2018	Rep. Haler
<a href="#">HB 2263</a>	Concerning governmental continuity during emergency periods.	Support		City currently complies through COOP/COG work	1/5/2018	Rep. Goodman
<a href="#">HJR 4210</a>	Amending the state Constitution to provide governmental continuity during emergency periods resulting from a catastrophic incident.	Support	<a href="#">SJR 8211</a>	Fire/OEM - "Support" City currently complies through COOP/COG work. Finance - No financial impact to Kirkland	1/5/2018	Rep. Johson Sen. Takko
<a href="#">SB 5996</a>	Encouraging the disclosure and discussion of sexual harassment and sexual assault in the workplace.	Support		The bill is pretty straight forward.	1/5/2018	Sen. Keiser
<a href="#">SB 6010</a>	Authorizing certain cities to impose a lodging fee for public safety and public works.	Neutral		The bill reads city with population less than 10,000.	1/5/2018	Sen. Takko
<a href="#">SB 6011</a>	Concerning governmental continuity during emergency periods.	Support		Fire/OEM - "Support" City currently complies through COOP/COG work. Finance - No financial impact to Kirkland	1/5/2018	Sen. Takko
<a href="#">HB 2320</a>	Concerning the creation of a work group to study and make recommendations on natural disaster mitigation and resiliency activities.	Support	<a href="#">SB 6036</a>	These companion bills are reflective of one of the City's adopted 2018 legislative priorities, to support "full funding of the State Emergency Management Division."	1/5/2018	Rep. Reeves Sen. Mullet
<a href="#">HB 2329</a>	Concerning public records act exemptions regarding concealed pistol licenses.	Support		CM Nixon - "Support" This is simply a clarification to the intent of the original exemption. WCOG will likely be neutral. The goal is to prevent targeting of concealed pistol license holders by thieves -- it shouldn't be possible to go to the government and get a list of where all the guns are in order to steal them. This will be controversial, because some people believe such information should be available to the public to know where the guns are, but the fact is those who have a concealed pistol license have gone through an extensive background checks -- it's the ones who DON'T have a CPL but carry concealed weapons . PD - "Support" This bill appears to clarify the paperwork that is associated with a concealed pistol license will be exempt. Good clarification.	1/5/2018	Rep. Walsh

# Schedule *(as of January 4, 2018)*

All events are held at the Hotel Red Lion Olympia unless otherwise noted.



## January 24

7 am – 6:30 pm	AWC Registration Kiosk open
7 – 9 am	<b>Advocacy Academy and committee meetings</b>
9:30 – 10:30 am	<b>Opening general session</b> <i>Continental breakfast included</i>
10:30 – 11:30 am	<b>General session</b>
11:30 am – Noon	<b>Networking lunch</b>
Noon – 12:30 pm	<b>Keynote address – Attorney General Bob Ferguson</b>
12:30 – 1 pm	<b>General session</b>
1 – 1:45 pm	<b>General session</b>
1:45 – 2:15 pm	Transition break
2:15 – 3:15 pm	<b>General session</b>
3:15 – 4 pm	<b>Concurrent sessions</b>
4 – 4:15 pm	Break
4:15 – 5 pm	<b>Concurrent sessions</b>
5:30 – 7 pm	<b>Legislative Reception</b> <i>Light appetizers and drinks provided; Dinner on your own.</i> This popular legislative reception provides an opportunity to network with legislators, cabinet members, and fellow local officials. Remember to personally invite your legislators and consider connecting with them afterwards for dinner and discussion.

## January 25

6:30 – 11:30 am	AWC Registration Kiosk open
7 – 8:30 am	<b>Networking breakfast, Advocacy Academy, Committee meetings</b>
9 – 9:45 am	<b>General session</b>
9:45 – 11 am	<b>Concurrent sessions</b>
11:30 am – 4 pm	<b>Running great meetings using parliamentary procedure</b> As city elected officials, your active participation at council meetings is critical. Learn parliamentary procedure with tips and insights to create great meetings. Get a solid foundation for success in your principal job: discussing and deciding the key issues for your community. <i>(Limited seating, separate registration is required, lunch provided)</i>

Schedule subject to change.



## **CITY OF KIRKLAND 2018 LEGISLATIVE SUPPORT AGENDA**

Kirkland generally supports the policy principles of the items below, however, formal City support is contingent upon reviewing and approving the specific language of any legislative proposal drafted to advance a particular item.

### **2018 Legislative Support**

#### **Select Legislative Support and carryovers from Kirkland's 2017 Support agenda**

- Support vested rights legislation that keeps predictability and certainty for local governments, real estate developers and environmental and community advocates.
- Support legislation to enable local funding sources for multi-benefit watershed projects.
- Support allowing Kingsgate Park and Ride to be used for an affordable housing Transit Oriented Development.
- Support updates to the Public Records Act that will create a path to predictability on fines for jurisdictions that make good faith efforts to comply with records requests.
- Support allowing both the state and local governments the option of replacing the property tax cap, currently fixed at 1 percent, with a cap that is indexed to both population growth and inflation.
- Support providing cities with financing options to support public/private partnerships.

#### **Support for Infrastructure Funding**

- Development of a State Infrastructure Bank
- Safe Routes to Schools & Complete Streets program Funding
- Transportation Investment Board Funding (TIB)
- Community Economic Revitalization Board (CERB)
- Washington Wildlife and Recreation Program (WWRP)
- Model Toxics Control Act (MTCA)
- Regional Mobility Grant Funding Program - Preserve
- Freight Mobility Strategic Investment Board Funding
- Support Healthy & Sustainable Communities Initiative

Additionally, Kirkland supports selected items from the 2018 legislative agendas led by the following ally organizations:

#### **Association of Washington Cities**

- **Strengthen city tools to address housing conditions in our communities AWC urges the Legislature to adopt:**
  1. A new construction sales tax reimbursement pilot program to attract new multi-family housing in cities outside of our urban core;
  2. A means for cities to mitigate the impacts of abandoned and bank-owned foreclosed homes; and
  3. Additional flexibility with existing tools such as making the optional sales tax authority for affordable housing a council decision.
- **Direct funds to mental health, chemical dependency, and social safety net programs**  
AWC actively supports and will engage with those seeking to direct resources to address these challenges and will collaborate with the state, counties, and providers to find ways to deliver support services in the most effective manner. Enhance economic development tools and programs that foster business development in cities AWC supports expansion of current programs and funding, and will engage key legislators and stakeholders to identify tools that can help foster vital economies in all corners of our state.

- **Preserve state-shared revenues with cities and increase law enforcement training funds**

As the Legislature considers a supplemental budget, AWC will encourage the provision of additional funding for four additional Basic Law Enforcement Academy classes during the biennium to ensure that new recruits receive training as quickly as possible.

## **Transportation Issues**

**Transportation Choices Coalition** – No 2018 Legislative Priorities (as of Jan. 2, 2018)

**Eastside Transportation Partnership** – Dec. 6 DRAFT of 2018 Legislative Priorities will be finalized at ETP's Jan. 12, 2018 meeting

**Washington Bikes** – No 2018 Legislative Agenda Priorities (as of Jan. 2, 2018)

## **Human Services Issues**

**Eastside Human Services Forum** – No 2018 Legislative Agenda Priorities (as of Jan. 2, 2018)

### **Washington Low Income Housing Alliance**

- **Create Affordable Homes**

Build and preserve safe, healthy, and affordable homes. Invest at least \$106 million in the Housing Trust Fund.

- **Ban discrimination Based on a Renter's Source of Income**

Pass HB 1633 or SB 5407 to close a fair housing loophole that allows landlords to discriminate against tenants who use rental assistance.

- **Secure and Increase Funding for Programs that Prevent and End Homelessness**

Pass HB 1570 to increase the document recording fee, ensure it never expires, and allow communities the flexibility to use 100% of funds to best meet local needs.

- **Protect Washington's Lifeline for People with Disabilities and Elderly Adults**

Fully fund life-saving services that prevent homelessness and help people meet their basic survival needs. Pass HB 1239 to help people applying for federal benefits. Pass HB 1831 or SB 5609 to help people living on very low incomes access housing and income assistance.

- Housing and Essential Needs (HEN) Program;
- Aged, Blind and Disabled (ABD) Program;
- Medical Care Services (MCS) ;
- Supplemental Security Income (SSI) Facilitation Services

- **Ensure People with Disabilities Experiencing Chronic Homelessness Can Access Permanent Supportive Housing, Health, and Social Services**

Allow full Operating Budget authority for the supportive housing services Medicaid benefit included in the state's Medicaid Transformation Demonstration.

**All Home** - No 2018 Legislative Agenda Priorities (as of Jan. 2, 2018)

### **Faith Action Network**

- **Advocating for a More Humane and Equitable Washington**

- Pass the Capital Budget
- Fully fund request for Civil Legal Aid Program
- Fully restore Temporary Assistance for Needy Families (TANF)
- Finish funding for the McCleary decision
- Pass Breakfast after the Bell legislation
- Institute a tax on capital gains and eliminate more tax exemptions



- Support poverty reduction bills
- Support bills to reduce student debt
- Pass the Voting Rights Act
- **Promote Safe and Just Communities**
  - Pass criminal justice reforms (i.e. Legal Financial Obligations, remove death penalty statute, Fair Chance Act)
  - Support juvenile justice sentencing reforms
  - Support gun responsibility legislation
  - Pass human trafficking prevention legislation
  - Pass healthcare reform bills
  - Pass immigration reform bills
- **Protecting Housing & Preventing Homelessness**
  - Prohibit discrimination based on a **renter's source of income**
  - Eliminate the sunset of and increase the Document Recording
  - Pass zoning regulation for faith communities and local options for affordable housing funding
- **Sustaining Washington's Environment**
  - Support carbon pollution pricing bills
  - Pass the Pesticide Drift Notification Bill

## **Environmental Issues**

### **King County-Cities Climate Collaborative (K4C)**

As of Nov. 2, 2017, a "discussion draft" of 2018 Shared Policy Interests was circulated, but a finalized version has not been received (as of Jan. 2, 2018)

### **Environmental Priorities Coalition** No 2018 Legislative Priorities (as of Jan. 2, 2018)

**Northwest Product Stewardship Council** (While the NPSC does not develop a legislative agenda, the NPSC does advocate in support of the principles of product stewardship and producer responsibility in policies and legislation.)

**Support of HB 1047: Protecting the public's health by creating a system for safe and secure collection and disposal of unwanted medications.** Introduced in 2017, HB 1047 would "establish a safe and secure method for collection and disposal of medicines through a drug "take-back" program operated and funded by drug manufacturers."

## **Water Issues**

### **WRIA 8**

- **Capital Budget:**
  - o Support the Puget Sound Partnership's original Puget Sound Acquisition and Restoration (PSAR) funding request of \$80 million for the 2017 – 2019 biennium (contained in the Recreation and Conservation Office budget.
  - o Support the Recreation and Conservation Office's (RCO) original state capital funding request for the Salmon Recovery Funding Board of \$55.3 million for the 2017 – 2019 biennium.
  - o Support the Washington Department of Ecology's (Ecology) original Floodplains by Design agency funding request of \$70 million for the 2017 – 2019 biennium.
  - o Support Washington Department of Ecology's original funding request of \$105.5 million for the Stormwater Financial Assistance Program in the 2017-2019 biennium.
  - o Support the Puget Sound Partnership's (PSP) legislative funding strategy for capital actions supporting implementation of the Action Agenda for Puget Sound.

– **Policy Legislation:**

- Track and support legislation that seeks to improve regulatory protections for areas that are important for salmon habitat.
- Support and explore opportunities to engage in developing legislation that seeks to provide immunity from liability for entities that implement habitat restoration projects involving the placement of large wood.
- Track and consider support for greater restrictions or a complete ban on Atlantic salmon net pen aquaculture in Puget Sound.
- Track and participate in continued efforts to explore new watershedbased funding authorities to support multiple-benefit projects that address salmon habitat protection and restoration, water quality, stormwater management, and flood management.

**Public Safety Issues**

**Washington Association of Sheriffs and Police Chiefs**

• **Improve the State's Mental Health System**

- Mental Health Field Response: Washington State should develop the capability to have qualified mental health professionals, trained to assist those in a mental health crisis, capable of responding to assist a person in crisis 24 hours a day, 7 days a week.

• **Address Unintended Consequences of the Public Records Act**

- Admissibility of Tribal Records and Proceedings: Washington State should allow tribal records and proceedings to be admissible in state court.

**Washington Fire Chiefs Association**

• **Sustainable funding for Fire, Rescue and EMS**

- Fire Training Academy
- 1% levy limit restructure
- Ground Emergency Medical Transportation (GEMT) Implementation
- EMS cap raised to .75/1000AV
- Change funding to outside \$10 limit
- Joint Apprenticeship Training Committee (JATC) program

• **Incentivize Regionalization**

- Identify and Remove Barriers
- Identify statewide all-hazard response advantages
- Funding advantages

• **Volunteer FF Recruitment and Retention**

- Consider additional incentives Bolster WFC program Regional coordinator grant

• **Hazardous Materials Planning and Response Update State CBRNE plan**

- Oil by Rail Safety
- Hazardous Materials Transportation Safety

**Washington Poison Center / Secure Medicine Take-Back Coalition / Zero Waste Washington**

- **Support of HB 1047: Protecting the public's health by creating a system for safe and secure collection and disposal of unwanted medications.** Introduced in 2017, HB 1047 would "establish a safe and secure method for collection and disposal of medicines through a drug "take-back" program operated and funded by drug manufacturers."

## **Parks Issues**

### **Washington Recreation and Parks Association**

**Enact 2017-19 Capital Budget – Including Key Funding Targets for WWRP, YAF, ALEA** (*Capital Budget*) The two-year Capital Budget that is pending in the Washington State Legislature is much more than a document or a “bill.” It is a mission-critical, job-creating investment in the State of Washington, in outdoor recreation, in schools, and in local communities. WRPA urges the State Legislature to move forward with adoption of a 2017-19 Capital Budget, including agreed-upon allocations of \$80 million for the Washington Wildlife & Recreation Program (WWRP) and \$4.077 million for the Youth Athletic Facilities (YAF) program. The negotiated Capital Budget also includes a historically-low \$1 million allocation for the Aquatic Lands Enhancement Account (ALEA). WRPA urges lawmakers to enhance funding for both ALEA and YAF in future cycles.

**Protect Funding for Dedicated Accounts within the Capital Budget** (*Capital Budget*) As the Legislature looks to finalize a 2017-19 Capital Budget, WRPA urges lawmakers to refrain from diverting funding from dedicated accounts that are focused on funding outdoor recreation activities. These include the WWRP, YAF, and ALEA accounts, others such as the Boating Facilities Program (BFP) and Non-Highway Off-Road Vehicle Account (NOVA), and pass-through federal-funding accounts such as the Land and Water Conservation Fund (LWCF). WRPA urges lawmakers to keep top-of-mind a recent report study showing that the outdoor recreation sector generates \$26 billion a year in economic activity for the state, as well as 200,000+ jobs.

### **Future Initiative: Funding/Financing Options to Address Parks and Recreation M&O**

(*Tax Policy Bill*) WRPA is concerned about a looming crisis impacting our agencies, which are struggling to fund the growing cost of local parks and recreation infrastructure and M&O. WRPA will be starting the conversation on this issue in 2018, with an eye toward bringing specific proposals to key lawmakers in preparation for the longer 2019 Session.

## **Planning Issues**

**Washington Chapter of the American Planning Association** - No 2018 Legislative Agenda Priorities (as of Jan. 2, 2018)

## **Open Government and Transparency Issues**

### **Washington Coalition for Open Government**

- **Police Body-Worn Camera Recordings:** The legislature should adopt permanent statewide provisions for the collection, retention, and disclosure of body-worn camera recordings.
- **Treat Legislative Records Like Other Public Records:** Records of the legislature, including those of individual legislators and legislative branch agencies, should be subject to retention and disclosure the same as records of other agencies subject to the Public Records Act, with no special exclusions from the definition of “public record”.
- **Recovery of Fees and Costs for Actions to Enjoin Release of Records:** A third party who brings an action under RCW 42.56.540 or other action to enjoin release of records should be required to pay the attorney fees and court costs of the original records requester if the requester prevails in court.
- **Stakeholder Process to Update OPMA:** Conduct a broad stakeholder process, like that done in 2016 for the Public Records Act, to propose updates to the Open Public Meetings Act.

## **Other Jurisdictions' Issues**

### **King County**

- **Improve juvenile justice system**

Reduce youth interaction with the juvenile justice system – especially among youth of color who are disproportionately represented.

- Authorize juvenile courts to use diversion funding pre-adjudication.
- Support efforts that focus on youth rehabilitation and reducing recidivism.

- **Stabilize local public health services**

Protect against the proliferation of communicable diseases by investing \$5 million in important King County public health program.

- **Provide mental health and addiction treatment on demand**

Addiction and mental health treatment is most effective when people get the right treatment, at the right time, at the right place.

- Add funding to stabilize core community behavioral health rates and deliver better health outcomes while also increasing discharges and diversion from state hospitals.
- Expand the state Medicaid plan to secure additional federal funding and deliver better health outcomes.
- Increase community capacity for mental health and addiction treatment by investing at least \$65 million in capital projects

### **Pierce County**

- **Annexation Sales Tax Credit**

In 2017, Pierce County sought amendments to State law to better support and encourage annexation of unincorporated urban areas. These amendments include: 1) modifications to RCW 82.14.415 in regard to the sales and use tax for cities to offset municipal service costs to newly annexed areas to broaden the applicability of this tool in Pierce County; and 2) modifications to various provisions within RCW 35.13 aimed at improving the viability of annexing unincorporated islands (pockets of unincorporated territory surrounded by a city or cities). The following bills, supported by the City of Kirkland were introduced last session. SB 5215 and HB 1681 concern encouraging the annexation of unincorporated urban growth areas.



# 2018 Legislative Priorities

The key to growing strong cities and towns in Washington starts with addressing housing shortages and affordability, helping individuals with mental health and drug addiction issues, and providing tools to enhance local economic vitality.

The 2017 legislative session was the longest in history and yielded numerous helpful policy and budget actions for Washington's 281 cities and towns. However, critical issues remain unresolved and need to be addressed in the 2018 legislative session. The Legislature needs to swiftly adopt a capital budget so that critical community projects can move forward, and take action on the following city priorities to help our communities and state thrive.



## Strengthen city tools to address housing conditions in our communities

Cities large and small are experiencing challenges with housing in their community—from shortages of affordable housing, to a lack of workforce housing, to neighborhood impacts of abandoned foreclosed properties. Cities need a variety of local option tools to address the problems of their specific local circumstances. AWC urges the Legislature to adopt:

- 1) A new construction sales tax reimbursement pilot program to attract new multi-family housing in cities outside of our urban core;
- 2) A means for cities to mitigate the impacts of abandoned and bank-owned foreclosed homes; and
- 3) Additional flexibility with existing tools such as making the optional sales tax authority for affordable housing a council decision.



## Direct funds to mental health, chemical dependency, and social safety net programs

Although cities are not frontline service providers, many of the problems associated with mental health and chemical dependency show up in our communities and on our streets. Increasingly, local public safety personnel play an expanding role in addressing these impacts. AWC actively supports and will engage with those seeking to direct resources to address these challenges and will collaborate with the state, counties, and providers to find ways to deliver support services in the most effective manner.



## Enhance economic development tools and programs that foster business development in cities

Economic development opportunities vary greatly across the state. Some communities have commercial or industrial areas that have deteriorated or lack the needed infrastructure for critical development, and others lack access to adequate broadband services. AWC supports expansion of current programs and funding, and will engage key legislators and stakeholders to identify tools that can help foster vital economies in all corners of our state.



## Preserve state-shared revenues with cities and increase law enforcement training funds

The 2017-19 state operating budget continued to fund traditional shared revenues such as liquor revenues and municipal criminal justice assistance at the levels provided in recent years. As the Legislature considers a supplemental budget, AWC will encourage the provision of additional funding for four additional Basic Law Enforcement Academy classes during the biennium to ensure that new recruits receive training as quickly as possible.

**Contact:** **Dave Williams**  
 Director of Government Relations  
 davew@awcnet.org • 360.753.4137



**Building the movement to ensure that everyone in Washington has the opportunity to live in a safe, healthy, affordable home.**

## 2018 Washington State Affordable Housing and Homelessness Legislative Priorities

### Create Affordable Homes

**Build and preserve safe, healthy, and affordable homes. Invest at least \$106 million in the Housing Trust Fund.**

The Housing Trust Fund provides homes for families with children, seniors, veterans, people with disabilities, farmworkers, and more. It helps families with low incomes become first time homebuyers, and it builds and preserves rental homes in every county in Washington. The Housing Trust Fund is an important part of the solution to homelessness.

### Ban Discrimination Based on a Renter's Source of Income

**Pass HB 1633 or SB 5407 to close a fair housing loophole that allows landlords to discriminate against tenants who use rental assistance.**

In most places in Washington, landlords are allowed to categorically deny applications from tenants simply because they use housing subsidies or income supports to help pay the rent. This limits options for people living on low incomes, and can be a legal loophole for racial and other forms of illegal discrimination. Several cities and counties in Washington already prohibit this practice. Protection against discrimination should be extended statewide.

### Secure and Increase Funding for Programs that Prevent and End Homelessness

**Pass HB 1570 to increase the document recording fee, ensure it never expires, and allow communities the flexibility to use 100% of funds to best meet local needs.**

A modest fee paid to file real estate related documents is the most important source of funds to combat homelessness in Washington. This fee supports domestic violence shelters, youth and young adult services, outreach services, rental assistance, permanent supportive housing services, and more. Local communities can use these funds most effectively when they have flexibility to meet local needs. Current law mandates that 45% of funds be used in the for-profit rental market only, even though private landlords can refuse to accept this form of rental payment. Additionally, more than 60% of the fee is scheduled to expire in 2023, and if that happens, over 37,000 people could be pushed into homelessness.

**Building the movement to ensure that everyone in Washington has the opportunity to live in a safe, healthy, affordable home.**

## 2018 Washington State Affordable Housing and Homelessness Legislative Priorities

**Protect Washington's Lifeline for People with Disabilities and Elderly Adults Fully fund life-saving services that prevent homelessness and help people meet their basic survival needs. Pass HB 1239 to help people applying for federal benefits. Pass HB 1831 or SB 5609 to help people living on very low incomes access housing and income assistance.**

- **The Housing and Essential Needs (HEN) Program** provides housing support to ensure a temporary disability does not result in homelessness for adults with very low incomes. It provides access to essential basic needs, including health and hygiene products.
- **The Aged, Blind, and Disabled (ABD) Program** helps elderly adults and people with permanent disabilities who are living on very low incomes meet their survival needs by providing cash assistance of up to \$197 per month while they apply for federal assistance.
- **Medical Care Services (MCS)** provide health coverage for immigrants who are disabled or elderly.
- **Supplemental Security Income (SSI) Facilitation Services** help people with disabilities navigate the process of applying for federal SSI benefits, which can be lengthy and complicated. Once people successfully transition from the ABD to program to the federal SSI program, the state is reimbursed for the full cost of providing ABD assistance.

**Ensure People with Disabilities Experiencing Chronic Homelessness Can Access Permanent Supportive Housing, Health, and Social Services Allow full Operating Budget authority for the supportive housing services Medicaid benefit included in the state's Medicaid Transformation Demonstration.**

The federal government recently approved the state's request to use federal Medicaid resources to pay for targeted tenancy support services delivered in permanent supportive housing. This will increase access to housing for people who live with a disability and who are experiencing long-term homelessness. The Operating Budget should provide full authority to implement this benefit.

## 2018 Legislative Agenda

### **Advocating for a More Humane & Equitable Washington**

- Pass the Capital Budget
- Fully fund request for Civil Legal Aid Program
- Fully restore Temporary Assistance for Needy Families (TANF)
- Finish funding for the McCleary decision
- Pass Breakfast after the Bell legislation
- Institute a tax on capital gains and eliminate more tax exemptions
- Support poverty reduction bills
- Support bills to reduce student debt
- Pass the Voting Rights Act

### **Promoting Safe and Just Communities**

- Pass criminal justice reforms (i.e. Legal Financial Obligations, remove death penalty statute, Fair Chance Act)
- Support juvenile justice sentencing reforms
- Support gun responsibility legislation
- Pass human trafficking prevention legislation
- Pass Initiative 940 with no amendments on to the voters
- Pass healthcare reform bills
- Pass immigration reform bills

### **Protecting Housing and Preventing Homelessness**

- Prohibit discrimination based on a renter's source of income
- Eliminate the sunset and increase the Document Recording Fee
- Pass zoning regulation for faith communities and local options for affordable housing funding

### **Sustaining Washington's Environment**

- Support carbon pollution pricing bills
- Pass the Pesticide Drift Notification Bill



# WASHINGTON ASSOCIATION OF SHERIFFS AND POLICE CHIEFS 2018 LEGISLATIVE AGENDA

*As approved by the WASPC membership during the 2017 Fall Conference in Chelan.*

**LAW AND JUSTICE DAY**  
JANUARY 30, 2018 • 9:00 AM • COLUMBIA ROOM

## MENTAL HEALTH FIELD RESPONSE

Mental health continues to be one of Washington’s greatest public safety challenges, and Washington State continues to fail those who suffer from mental illness.

Though having a mental illness is not illegal, law enforcement officers continue to be the “solution” sought for those who are experiencing a mental health crisis.

Without an effective state mental health system, law enforcement officers will continue to be forced into violent confrontations with the mentally ill, and

local jail beds will continue to be filled with those who suffer from mental illness.

Washington State should develop the capability to have qualified mental health professionals, trained to assist those in a mental health crisis, capable of responding to assist a person in crisis 24 hours a day, 7 days a week.

While a law enforcement presence may continue to be necessary for safety reasons, a person in crisis deserves to be helped by a trained mental health professional.

## ADMISSIBILITY OF TRIBAL RECORDS AND PROCEEDINGS

Washington law allows records and proceedings from federal courts, and courts from other states and territories to be admitted into state courts, but there is no provision in current law to allow tribal records and proceedings to be admissible in state court.

As a result, prior tribal convictions of a repeat offender are not considered in a current proceeding against that person. This is especially relevant in domestic

violence and DUI cases, where prior convictions for the same/similar offenses make the current offense a felony.

Washington State should allow tribal records and proceedings to be admissible in state court.

Prosecutors would still be required to show that the records are authentic, and that any prior conviction is comparable to its counterpart in the RCW.

## STRATEGIC LEGISLATIVE GOALS:

- *Improve the State’s Mental Health System*
- *Increase capacity for forensic DNA testing at the WSP Criminal Laboratory System*
- *Address Unintended Consequences of the Public Records Act*
- *Ensure Sufficient Funding for Statewide Law Enforcement Programs such as Victim Notification, Jail Booking and Reporting System, Sex Offender Address Verification, Uniform Crime Reporting, and Auto Theft Prevention Authority Task Forces*

**James McMahan**  
*WASPC Policy Director*  
*Office: (360) 486-2394*



*Leading collaboration among law enforcement executives to enhance public safety since 1963.*



## 2018 Legislative Priorities

*Washington Coalition for Open Government has established the following priorities for legislative action during the 2018 session. The Coalition encourages its members and concerned citizens throughout Washington to contact members of the Legislature and encourage their support for these priorities.*

**1. Police Body-Worn Camera Recordings.** The legislature should adopt permanent statewide provisions for the collection, retention, and disclosure of body-worn camera recordings. Exemptions to disclosure should be narrow, and consistent with existing protections provided in the Public Records Act for personal privacy and law enforcement investigative needs. Agencies should provide body-worn camera videos at reasonable cost, using best-available redaction and production technology. To assure compliance with the PRA, requesters who prevail in court to obtain access to body-worn camera videos must be entitled to recover fees, costs, and penalties as they would for other types of public records.

**2. Treat Legislative Records Like Other Public Records.** Records of the legislature, including those of individual legislators and legislative branch agencies, should be subject to retention and disclosure the same as records of other agencies subject to the Public Records Act, with no special exclusions from the definition of "public record". If provision is needed for

withholding of some information, the legislature should enact specific narrowly-crafted exemptions from disclosure rather than broadly excluding legislative records from the provisions of the PRA.

**3. Recovery of Fees and Costs for Actions to Enjoin Release of Records.** A third party who brings an action under RCW 42.56.540 or other action to enjoin release of records should be required to pay the attorney fees and court costs of the original records requester if the requester prevails in court.

**4. Stakeholder Process to Update OPMA.** Conduct a broad stakeholder process, like that done in 2016 for the Public Records Act, to propose updates to the Open Public Meetings Act. The task force should consider topics such as recording of executive sessions, opening committee and task force meetings, opening collective bargaining sessions to the public, improving notice of special meetings, creating a statewide open public meetings portal, clarifications based on court decisions, and other proposals, and submit recommendations to the 2019 legislature for consideration.

### *The following additional items of concern to open government advocates will be also be supported:*

- Approve legislation proposed by the Sunshine Committee that received unanimous support.
- Voluntary alternative dispute resolution for PRA and OPMA cases that is faster and less expensive than superior court, and does not impair plaintiff's ability to choose to file a suit or receive penalties if they prevail.
- Require exemptions to the PRA to be contained within or referenced from RCW 42.56.
- Create an exemption in the PRA for audio and video recordings of lawfully-closed meetings.
- Create a private right of action under the PRA for improper destruction of public records.
- Prevent agencies from initiating litigation against public records requesters.
- Clarify that agencies cannot escape PRA penalties by leaving a request open indefinitely.
- Amend the state constitution to eliminate any notion of "Executive Privilege" under the PRA.
- Restore the original intent of the attorney-client communications exemption in the PRA.
- Improve transparency of tax preferences by releasing records of uses of such preferences.
- Oppose weakening of the PRA through changes in process or expansion of exemptions.
- Require an opportunity for public comment before final action is taken under the OPMA.
- Agencies violating the OPMA should be penalized even without proof of knowledge of illegality.



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## MEMORANDUM

DATE: January 4, 2017

To: Kurt Triplett, City Manager

FROM: Janice Coogan, Senior Planner  
Jeremy McMahan, Planning Manager Development Services  
Eric R. Shields, AICP, Director Planning and Building

SUBJECT: FINAL ADOPTION OF FINN HILL NEIGHBORHOOD PLAN AND RELATED CODE AMENDMENTS AND REZONES, FILE: CAM15-01754

## RECOMMENDATION

The City Council take action to approve the final Finn Hill Neighborhood Plan and related code amendments as recommended by the Planning Commission in Attachment 1 by adopting the enclosed ordinance, which includes the following amendments:

### Comprehensive Plan Amendments:

Exhibit 1: New Chapter X.V.P Finn Hill Neighborhood Plan

Exhibit 2 a-h: Land Use Map revisions to properties within eight areas (*identified by rezone areas in Enclosure 1 of Attachment 1 of the Planning Commission recommendation memo*):

- a. LDR 8 to LDR 6 (*rezone area 8-A*)
- b. LDR 8 to LDR 4 (*rezone area 8-B*)
- c. LDR 8 to LDR 4 (*rezone area 8-C*)
- d. LDR 8 to LDR 4 (*rezone area 8-D*)
- e. LDR 6 to LDR 4 (*rezone area 6-E*)
- f. LDR 6 to LDR 4 (*rezone area 6-F*)
- g. LDR 6 to LDR 4 (*rezone area 6-G*)
- h. Commercial C-24 units per acre (BNA) to C-Finn Hill Neighborhood Center (FHNC)

### Zoning Map Amendments:

Exhibit 3 (a-i): Zoning Map changes to properties within nine rezones areas (*identified by rezone areas in Enclosure 1 of Attachment 1 of the Planning Commission recommendation memo*):

- a. RSA 8 to RSA 6 (*rezone area 8-A*)
- b. RSA 8 to RSA 4 (*rezone area 8-B*)
- c. RSA 8 to RSA 4 (*rezone area 8-C*)
- d. RSA 8 to RSA 4 (*rezone area 8-D*)
- e. RSA 6 to RSA 4 (*rezone area 6-E*)
- f. RSA 6 to RSA 4 (*rezone area 6-F*)
- g. RSA 6 to RSA 4 (*rezone area 6-G*)
- h. RSA 6 to RSA 8 (*rezone area 6-A*)

i. BNA to Finn Hill Neighborhood Center (*rezone area FHNC*)

Zoning Code Amendments:

- Exhibit 4: Sections 5.10.145 Commercial Zones and 10.25 Zoning Categories to add Finn Hill Neighborhood Center (FHNC)
- Exhibit 5: Section 35.10.050 to add new Finn Hill Neighborhood Center (FHNC) regulations
- Exhibit 6: Chapter 92, Design Regulations to add FHNC
- Exhibit 7: Chapter 95, Tree Management and Required Landscaping to add FHNC
- Exhibit 8: Section 105.18, Parking Areas, Vehicle and Pedestrian Access and Related Improvements to add FHNC
- Exhibit 9: Section 110.52, Sidewalks and Other Public Improvements in the Design Districts to add FHNC
- Exhibit 10: Section 112.15, Affordable Housing Requirements to add FHNC
- Exhibit 11: Section 142.37, Design Review to add FHNC
- Exhibit 12: Section 180, Plate 34N to add pedestrian circulation in FHNC

Municipal Code Amendment:

- Exhibit 13: Title 3.30.040 changes to Design Guidelines for Pedestrian Oriented Districts to add FHNC

The City Council should decide the timing for the effective date of the RSA rezones. As written, the enclosed ordinance takes effect on our usual timeframe of five days following publication. However, based on testimony at the public hearing, the Planning Commission deliberated options to defer the effective date of the rezones but ultimately recommended that Council decide the effective date. Deferring the effective date by six months or more may allow some property owners to submit complete applications to subdivide their property and vest under the current zoning designation.

## BACKGROUND

On [October 3, 2017](#), City Council conducted a study session on the status of the draft Finn Hill Neighborhood Plan and related code amendments. Planning Commission Chair Colleen Cullen and Vice Chair Matt Pruitt attended. The meeting packet provides an overview of the neighborhood plan process, proposed code amendments, public involvement activities and issues discussed since the process began in 2015.

At the meeting, the City Council gave the following comments to staff and the Planning Commission (*staff responses are in italics*):

- City should explore eventually taking over ownership of Big Finn Hill Park from King County and would like staff to study options, the implications such as cost, maintenance, perhaps with the King County Parks Levy and bring back to City Council. Staff should come back with options including financial and maintenance implications at a future study with the Park Board and City Council. *Is this something City Council would like Parks Department staff to follow up on?*
- Vision statement in the Neighborhood Plan should include a linkage between providing a greater density at the Finn Hill Neighborhood commercial center and desire for increased transit service. *The vision statement includes the desire for increased density at that location to support increased transit services to the area.*



- Proposed rezones in the Holmes Point Overlay from RSA 6 and 8 to RSA 4 make sense from a public safety, greater protection of steep slopes, and tree retention standpoint. Up-zoning the Finn Hill Neighborhood Center (Inglewood shopping center) has general support as a mechanism to offset the loss of housing units as a result of the rezones in other areas of the neighborhood. The Council requested to know the net loss of lots as the result of the lowering of density.

*Staff did some estimates below comparing existing with proposed rezoning using the 2016 vacant and further developable parcels data shown below.*

Zone	Existing zoning/new lots/units	Rezone new lots/units	Gain or loss
Low density residential	425	168	-257 (60% reduction)
BNA to FHNA	156 residential (potential) 63,116 gfa commercial	576 (of which 58 affordable)	+420 (+5,088 gfa)
Total	581 new	744 new	+163

- Postpone the inclusion of a street and pedestrian connections map in the Plan until a more extensive public outreach process is conducted in 2018. A map should be in-sync with the **City-wide connectivity goals and the Neighborhood's desire for greater pedestrian connectivity**. Issues to discuss during the process include developing objective criteria and priorities for which streets should be connected for vehicles or pedestrians, whether bollards should replace the existing barriers, if a through-connection would reduce emergency response times, and if the City should take over the existing platted private streets. *Staff will provide information to Council about the proposed public outreach process soon.*
- Council supports adoption of the Neighborhood Plan, commercial code amendments and rezones in January and holding off on the Holmes Point Overlay code amendments until early 2018 in order to give more time to discuss changes with the Finn Hill Neighborhood Alliance (FHNA). *Staff continues to meet with the FHNA representatives and making progress on code amendment issues. The goal is to have draft amendments for adoption by March-April.*

### Public Hearing

On October 26, 2017, the Planning Commission held a public hearing to receive public comments on the Finn Hill neighborhood plan, rezones and code amendments. More detailed background on the **issues discussed in the process is contained in the meeting packet on the Planning Commission's** webpage in [Part 1](#) and [Part 2](#). Public comments received throughout the process are available from **viewing on the City's** [Finn Hill Neighborhood Plan webpage](#) or [audio on the Planning Commission webpage](#).

### Planning Commission Recommendation

On [November 9, 2017](#) the Planning Commission continued its deliberation on a recommendation to City Council. **Attachment 1 is the Planning Commission's** final recommendation for approving the amendments.

Not included in the recommendation are the following items to be continued for further public discussion as part of the 2018 Planning and Building Department and Public Works Department 2018 work programs:

- Amendments to the Holmes Point Overlay Chapter 70 and tree amendments to 95.
- Public review process for the future potential street connections map previously proposed for the Transportation section in the Neighborhood Plan, two corridor street studies, residential street standards and pedestrian and bike trail connections.

### ENVIRONMENTAL REVIEW

To comply with the State Environmental requirements, a SEPA addendum to the City of Kirkland 2015 Comprehensive Plan Update Draft and Final Environmental Impact Statement was issued. The SEPA Addendum compared the difference between the potential number new lot as a result of the rezones of in the HPO from eight and six dwelling units per acre (RSA 8 and RSA 6) to four dwelling units per acre (RSA 4), increase in zoning from RSA 4 to RSA 6 areas, with the potential increased commercial and residential density at the FHNC zone. The differences between the decrease and increase the residential density and commercial areas will have a negligible impact to our concurrency LOS standards for the planning horizon of 2035.

### SUBMITTAL OF DRAFT PLAN TO THE DEPARTMENT OF COMMERCE

Under RCW 36.70A.106 requirements, the City submitted a Notice of Intent to Adopt along with the Draft Plan and amendments to development regulations to the Washington Department of Commerce (DOC) at least sixty days prior to final adoption. DOC reviews the draft plans to confirm that they are consistent with the GMA, and with multi-regional and region planning policies.

Attachment:

1. Planning Commission recommendation

Cc: File CAM15-01754



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## MEMORANDUM

**Date:** December 14, 2017

**To:** Kirkland City Council

**From:** Colleen Cullen, Chair, Planning Commission

**Subject:** PLANNING COMMISSION RECOMMENDATION ON FINN HILL NEIGHBORHOOD PLAN CHAPTER OF THE COMPREHENSIVE PLAN AND PROPOSED AMENDMENTS TO THE ZONING CODE, ZONING MAP AND MUNICIPAL CODE, FILE: CAM15-01754

### RECOMMENDATION

On behalf of the Planning Commission, I am transmitting our recommendation for approval of the Finn Hill Neighborhood Plan Chapter of the Comprehensive Plan, related rezones and code amendments provided in Exhibits to the Ordinance.

This recommendation reflects two years of work and an extensive public outreach process in the development of the neighborhood plan and following amendments:

- New Finn Hill Neighborhood Plan Chapter of the Comprehensive Plan
- Legislative rezones for 9 areas that, if adopted, will result in changes to the Comprehensive Plan Land Use map and Zoning Map (see Attachment 1 for rezone locations, Exhibits to Ordinance and Section B below for more information).
- Miscellaneous Zoning Code Amendments for a new Finn Hill Neighborhood Center (FHNC) (Inglewood shopping center) zoning category
- Amendments to the Design Guidelines referenced to in KMC Title 3.30 for the Finn Hill Neighborhood Center

### Amendments discussed but not included in the recommendation are the following:

- Street connections map in the Transportation section of the Neighborhood Plan (defer to 2018).
- Holmes Point Overlay Chapter 70 and Chapter 95 tree code amendments (defer to 2018).

Rezones discussed but not recommended for approval are the following:

- RSA 4-A study area rezone from RSA 4 to RSA 6
- RSA 6-B study area to remove parcels from Holmes Point Overlay

BACKGROUND DISCUSSION

More background information on each section of the Neighborhood Plan, proposed rezones, code amendments and public outreach process is included in the Planning Commission meeting packet for the October 26, 2017 public hearing [Part 1](#) and [Part 2](#).

Below is an overview of each of the amendments and key issues discussed during the process.

A. Neighborhood Plan Goals, Policies and Key issues

The Finn Hill Neighborhood Plan contains goals and policies and maps for the following sections:

Section 1-3 Introduction, Vision Statement, Guiding Neighborhood Values, Historical Context

- The Vision Statement describes how residents envision the character of the neighborhood in twenty years. The Vision Statement was written primarily by the U.W. Green Futures Lab student team based on public comments received at earlier workshops with little or no objection by the community or neighborhood association. The vision emphasizes the desire to maintain the low density residential character, maintain forest tree canopy, enhance the natural environment, improve connectivity (pedestrian, bicycle and transit), create a “greenway” that encircles the neighborhood, and enhance the two commercial areas over time.
- Five neighborhood “Guiding Values” are the overarching priorities from which the goals and policies evolved into the Plan.

Section 4 Natural Environment

- Natural Environment policies are consistent with the city-wide general elements of the Comprehensive Plan for natural areas, critical areas, and wildlife protection and improve surface water issues.
- A set of development standards for steep slopes in the neighborhood mirrors the policies in other neighborhood plans containing high landslide hazard slopes and code requirements in KZC Chapter 85.
- Policies specific to the Holmes Point Overlay provide support for the Holmes Point Overlay Zone regulations (originated while under King County governance) that provide an increased level of environmental protection by limiting lot coverage, preserving natural vegetative areas, tree retention and provide the policy basis for potential HPO code amendments to be completed in 2018 and proposed rezones.



- Unique from other neighborhoods, in the Holmes Point Overlay area, is a specific tree canopy goal of 60% to maintain (compared to the City wide goal of 40%) over the next twenty years. The Commission received many public comments about tree retention in the HPO and concern about the amount of trees being removed with development and how the tree canopy could be retained through stricter regulations and enforcement.

We spent time discussing potential code amendments within the HPO to make them more restrictive or provide greater clarification, but realized more time was needed for staff and the FHNA to discuss the amendments. With City Council direction at the study session, we support postponing the amendments for further study in 2018. A small neighborhood ad hoc group and staff continue to discuss issues, procedural changes and the types of code amendments.

- Initially, the RSA 8 zones in the Champagne Point area were considered for rezoning to RSA 6 to help meet the intent of the HPO policies and regulations. Based on the neighborhood's request, the rezone areas were expanded to include other RSA 6 zones. In the end, we recommend further reduction of density of certain RSA 6 and RSA 8 zones to four dwelling units per acre or RSA 4.

The key reasons for the land use changes and rezones are for greater environmental protection, to provide larger lots to allow for greater tree retention to protect property from steep slopes susceptible to high landslide hazards, reduce potential erosion on these slopes as a result of development to protect safety of people and property, to meet the tree canopy goal, and make it easier to comply with the HPO regulations in KZC Chapter 70 and maintain the surrounding forested residential character.

- Other topics discussed included whether or not the Holmes Point Overlay boundaries and regulations should be expanded to other areas of Finn Hill, whether to prohibit development on greater than 40% slopes and should the City automatically require peer review of geotechnical reports for development on land designated high landslide hazard slopes. In the end, the Commission does not support expanding the boundaries or requiring prohibition on greater than 40% slopes. We realize that there will be further discussion of these issues with the upcoming city-wide Geohazard mapping study and potential code amendments in 2018.

## Section 5 Parks and Open Space

- Policies support connectivity to parks, recreation, open space and Lake Washington with pedestrian and bike trail connections. This non-motorized "connectivity" issue is an important value to the neighborhood.
- There is a policy to create a "Green Loop" where natural areas should be preserved, pedestrians and trails are connected (public easements would be needed to secure public access through these areas). A master plan public review process is desired to implement the concept.

- Policies encourage preserving and acquiring land for parks and open space and this is a high priority for the neighborhood. The residents identified the type of improvements they would like to see at each park beyond what is listed in the PROS Plan and Capital Improvement Program (CIP).

## Section 6 Land Use

This section describes the vision for the low density residential, multifamily and commercial areas.

- In addition to the proposed rezones in the HPO area discussed above, another land use issue studied was the patchwork of zoning districts of the RSA 4, RSA 6 and RSA 8 zoning districts inherited from King County. What should the appropriate zoning should be and ways to consolidate the zoning areas. Citizen amendment requests were studied as well as split zoned parcels. See Section B below for more discussion.
- Policies encourage a diversity of housing all over the neighborhood and affordable housing in multifamily and mixed use commercial areas.
- The vision for future development of the two commercial areas was discussed and described in policies. Both commercial areas are desired for providing greater services and gathering places for the neighborhood. We looked at the pros and cons of expanding the boundaries of the Holmes Point Market (BNA) to the north and east. We decided to leave zoning as is and keep building height at 3 stories primarily because the intersection can be congested, parcels are small and questioned the economic viability of adding more commercial uses at that location.
- There is community support to transform the FHNC into a mixed use commercial and residential center with increased residential density at that location, to increase the types of commercial services on a major street, and as a way to encourage greater transit service to the area. Increasing density at the FHNC was also seen as a way to make up for the lowering of density or potential new residential units in the Holmes Point Overlay area.

For these reasons there is a policy for the Finn Hill Neighborhood Center (Inglewood shopping center) and proposed code amendments increase building height from existing 3 to 5 stories with certain requirements such as, providing a grocery store, consolidating lots, providing affordable housing and green building (discussed below under code amendments).

- Urban Design Principles are included for the commercial areas consistent with the Pedestrian Oriented Design Guidelines adopted for other commercial areas in the City.

## Section 7 Transportation and Mobility

The vision for the Finn Hill transportation system is to provide safe, comfortable, and efficient circulation for people who walk, ride bicycles, drive cars and ride transit within the neighborhood and surrounding areas. Increasing pedestrian connections and transit options is desired but challenging considering the low residential density development pattern in the neighborhood.

The transportation section policies include:

- Policy 14.2 states that a map will be developed showing potential future street connections. A preliminary map was proposed and discussed but because of the amount of public comments opposed to the idea of streets be opened up in their neighborhood and understanding of what that may mean to them map was removed from the Plan. As directed by Council at the study session a more in depth public outreach discussion will occur in 2018.
- There is a policy to conduct the following studies through a public review process (also recommended to be combined with the street connections public process in 2018):
  - two corridors (Holmes Point Drive and NE 131<sup>st</sup> Way)
  - design standards for residential streets in the Holmes Point Overlay (the result may be different standards from city wide street standards).
- Improve pedestrian mobility by creating a network of trails, sidewalks, intersection improvements and crosswalks to connect to key destinations and from the top of Finn Hill to the shoreline.
- Improve bike networks and neighborhood greenways for both commuter and recreation bicyclists.
- Improve transit circulation is encouraged but recognized that it is beyond the City's control. Policies set forth the need to work with King County Metro Transit on exploring alternative modes such as shuttles, car shares or vanpools especially to commercial areas.
- Discouraging regional and bypass traffic in residential areas.

## Section 8 Public Services and Utilities

This section describes the desired policies to address water, sewer, surface water, utilities and emergency services for the Finn Hill neighborhood. Water and sewer services are provided by the Northshore Utility District. The District has indicated there is adequate capacity to handle future growth of the Finn Hill area in their Comprehensive Plan document. The City of Kirkland is planning a new fire station in the Juanita area to provide emergency and fire service to the Finn Hill neighborhood. The City wide Surface Water Master Plan addresses city wide policies. Surface Water Design Manual regulations must be met with new development as well as the planned Capital Improvement Program projects will be implemented to address surface water issues in Finn Hill over time.

### B. Proposed Rezones

To implement the land use and natural environment goals and policies of the neighborhood plan proposed changes to the Comprehensive Plan Land Use Map and rezones to the Zoning Map are proposed. The reasons for the rezones vary. Some are proposed to consolidate or realign the zoning district boundaries for consistency with surrounding RSA 6 or RSA 8 zones. Two citizen amendment requests (CAR) were submitted and included in the study areas (See Enclosure 1 for rezone locations).

### Citizen Amendment Requests

- The Healy CAR is located within a larger RSA 4-A study area and requests a rezone of his three parcels from RSA 4 to RSA 6 zone. If the rezone were to be approved an additional 2-3 lots would be feasible for the property owner (4-5 lots total).
- The Anderson CAR request (RSA 6-A study area and located in HPO) proposed rezoning one parcel from RSA 6 to RSA 8. The parcel is surrounded on three sides by RSA 8 zoning. If approved the property owner could short plat to build 1-2 additional houses (2-3 lots total).

As a result of this study, neighborhood plan policies, public testimony, and criteria for legislative rezones, the Commission is not recommending approval of the Healy CAR rezone (RSA 4-A) but is recommending approval of the Anderson CAR rezone (RSA 6-A).

Split zoned parcels under common ownership were also evaluated but the Commission decided it was not necessary to rezone these parcels.

### Holmes Point Overlay Area Zoning

In the Holmes Point Overlay area, certain RSA 6 and RSA 8 rezones are recommended to lower the density to RSA 4 to help achieve the 60% tree canopy goal, to maximize tree retention, to provide larger lot sizes to make it easier to retain trees and comply with the HPO regulations (preserving 25% of a lot in a natural protective area with tree and vegetation requirements), to protect property on or near steep slopes susceptible to landslide hazards, and to protect other critical areas. A few property owners in this area requested the proposed northern boundary line be changed between the RSA 4 and RSA 6 around NE 120<sup>th</sup> ST and to remove the HPO requirements from one area.

Zoning boundary line between RSA 4 and RSA 6- In the RSA 6-E study area (See Enclosure 1), staff recommended the northern boundary line be at NE 120<sup>th</sup> ST so that the area north of there would remain as RSA 6 and to the south would be RSA 4. Staff based the recommendation on the amount of further developable parcels, slopes and degree of tree canopy between the two north and south areas.

Property owners Anderson and Black asked that the boundary line between the RSA 6 and RSA 4 be changed from staff's recommendation of NE 120<sup>th</sup> ST to south of NE 118<sup>th</sup> PI and at 73<sup>rd</sup> PI to allow their properties (north of there) to remain at RSA 6 (see October 26, 2017 public hearing packet and audio for more discussion). The Commission recommendation supports their request to change the northern boundary line.

HPO Boundary- Also discussed was whether or not to expand the HPO boundary to other areas of the neighborhood (east and northeast) that had similar topographic, environmental and tree canopy coverage as the HPO area. One area was proposed to eliminate parcels from Holmes Point Overlay regulations designated on Enclosure 1 map as RSA 6-B (the triangular block east of Juanita Drive). Based on public testimony, neighborhood plan policies, and criteria for legislative rezone, the Commission is not recommending any changes to the HPO boundary at this time.

### Effective date of rezones



A few property owners expressed objections to rezoning their property from RSA 6 to RSA 4 because of the short notice they received and that they have future plans to sell or short plat their property for retirement. Some people asked that the rezones be postponed to a future date to give time for people to submit a complete short plat application to allow for vesting under the existing zoning. Contrary to this comment was the opinion that delaying the effective date of the rezones would defeat the purpose of the rezones in the HPO.

For the most part there was majority support from property owners and residents in these areas for lowering the density of their property and the rezones.

The Planning Commission deliberated options for a deferred effective date to help property owners impacted by the rezones, but was not able to reach consensus. Options discussed included immediate, six months, and one year deferrals like was done with the Critical Areas Ordinance, but the ultimate decision is with City Council.

Conclusion- Planning Commission Recommendation for Rezones

Final recommendation for the proposed rezones and related amendments to the Land Use Map and Zoning Map are included in Enclosure 1 and Exhibits to the Ordinances, summarized below:

RSA 8-A: rezone from RSA 8 to RSA 6  
 RSA 8-B: rezone from RSA 8 to RSA 4  
 RSA 8-C: rezone from RSA 8 to RSA 4  
 RSA 8-D: rezone from RSA 8 to RSA 4  
 RSA 6-A: rezone from RSA 6 to RSA 8  
 RSA 6-E: rezone from RSA 6 to RSA 4 *land south of NE 118<sup>th</sup> Pl and west of 73<sup>d</sup> Pl NE (north and east of those streets should remain as RSA 6)*  
 RSA 6-F: rezone from RSA 6 to RSA 4  
 RSA 6-G: rezone from RSA 6 to RSA 4  
 BNA properties north of NE 141<sup>st</sup> ST: rezone to Finn Hill Neighborhood Center (FHNC) (south of NE 141<sup>st</sup> ST would stay as BNA)

Two rezone areas considered at the public hearing but are not recommended for approval are:

1. RSA 4-A rezone area from RSA 4 to RSA 6 (includes Healy CAR).

At the November 9 Planning Commission meeting there was a 3 to 2 vote to not recommend approval of the RSA 4-A rezone area. The Commission understands staff's reasoning for recommending the RSA 4-A be rezoned to RSA 6 to consolidate zoning districts because it is surrounded by RSA 6 and RSA 8 zoning, the area contains generally level topography, largely platted lots, few larger further developable parcels that are not already currently being developed, and the existing development pattern of homes is little different between the RSA 4 and RSA 6 zones.

However, the concerns heard from the community is enough to keep it as RSA 4 zoning. The Commission wanted to relay to the Council the following discussion from our deliberations that led to our recommendation:

Discussion opposed to rezone:

- Leave it at RSA 4 zoning- consolidating zoning districts is not a compelling factor to rezone to RSA 6
- Most testimony objected to the rezone and being responsive to those concerns is more important than the potential benefits of up zoning the area
- Traffic around the schools has increased over the past few years
- Even at RSA 6 the zone would be an island within an island
- If the FHNC is redeveloped in the future there will be an increase in traffic on the hill around the schools

Discussion in favor of rezone:

- Existing RSA 4 zone is in the middle of and surrounded by RSA 6 and RSA 8 zoning.
  - RSA 4 zone is surrounded largely by existing platted subdivisions with few further developable parcels (potential for 16 additional lots over time).
  - Potential for future redevelopment in the area of 16 new lots over time will not have significant new traffic impacts given an already congested area during peak arrival and pick up times
  - Being close to schools is a positive thing to allow increasing housing and encouraging students and parents to walk to school
  - Rezoning for consolidation purpose will make little difference
2. Removing the triangular area from the Holmes Point Overlay area located between Juanita Dr. and 80<sup>th</sup> Ave NE and Juanita Woodlands (study area RSA 6-B). Area should remain in HPO and as RSA 6 zoning because of the larger further developable parcels and amount of tree canopy.

## C. Proposed Zoning and Municipal Code Amendments

Zoning Code Amendments are proposed for the new Finn Hill Neighborhood Center (FHNC):

- KZC Chapters 5 and 10 definitions
- KZC Chapter 35 Commercial zoning for the new Finn Hill Neighborhood Center development standards
- KZC Chapter 92 Design Regulations
- KZC Chapter 95 Tree Management and Required Landscaping
- KZC Chapter 105 Pedestrian requirements
- KZC 110 Required Public Improvements
- KZC 112 Affordable Housing
- KZC Chapter 142 Design Review
- KZC Plate 34N

Code amendments for the FHNC allow mixed use commercial/residential with a 5 story building height. This higher intensity development would be allowed with the following conditions: consolidation of properties to 5 acres, requirement for affordable housing, minimum ground floor height and depth standards, open space and pedestrian path, green building, and minimum size of a grocery store.

Municipal Code amendments are included to KMC Title 3.30 for Pedestrian Oriented Design Guidelines to include the new FHNC zone design regulations.

CRITERIA FOR AMENDING THE COMPREHENSIVE PLAN, ZONING CODE AND REZONES

The Zoning Code contains criteria for amending the Comprehensive Plan and Zoning Code as provided below:

A. Section 140.25 and 140.30 establish things to consider and criteria for amending the Comprehensive Plan:

The City may amend the Comprehensive Plan only if it finds that:

1. The amendment must be consistent with the Growth Management Act.
2. The amendment must be consistent with the countywide planning policies.
3. The amendment must not be in conflict with other goals, policies, and provisions of the Kirkland Comprehensive Plan.
4. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.

B. Section 130.20 Legislative Rezones Criteria

The City may decide to approve a legislative rezone only if it finds that:

1. Conditions have substantially changed since the property was given its present zoning or the proposal implements the policies of the Comprehensive Plan and
2. The proposal bears a substantial relationship to the public health, safety, or welfare; and
3. The proposal is in the best interest of the community of Kirkland.

C. Section 135.25 Amendments to Zoning Code Text Criteria

The City may amend the text of this 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.

### Compliance with Zoning Code Criteria:

The new neighborhood plan, code amendments and rezones are consistent with the above criteria, GMA, PSRC's Vision 2040, Countywide Planning Policies, City's vision statement and Comprehensive Plan. Many of the policies in the neighborhood plan mirror policies in the city-wide Element Chapters. The policies and amendments address the future growth of the neighborhood and values expressed by the residents in the vision statement. The policies and amendments will result in long-term benefits to the community as a whole, and are in the best interest of the community.

The proposed rezones to lower density in the HPO will allow for opportunities for greater environmental protection from surface water and erosion on steep slopes that are susceptible to landslide hazards from development impacts and associated risks to public safety. The rezones will reduce detrimental surface water impacts, assist in tree retention on development sites, and result in improved environmental protection consistent with the Environment and Land Use Elements.

The new Zoning Code amendments for the FHNC are in keeping with the Land Use, Transportation and Economic Development General Elements. The new FHNC regulations encourage compact mixed use commercial and residential development in keeping with the "10 Minute" neighborhood concept to provide jobs and services within walking distance of residential areas. When redeveloped in the future, the increased residential density in the mixed use commercial center will add affordable and market rate housing, and ideally provide the increased density in land use to support future improvements to transit service to the neighborhood.

As discussed above, the proposed amendments bear a substantial relation to the public health, safety, and welfare to the residents of Kirkland and are in the interest of the Finn Hill Neighborhood residents and the broader Kirkland community.

### PUBLIC NOTICE AND OPPORTUNITIES FOR PUBLIC COMMENT

The following public outreach techniques were used throughout the process:

- Several public meetings were facilitated by the GFL student team to solicit input from residents on priorities for what they wanted to see in the neighborhood plan
- Announcements were sent to approximately 700 email addresses on the Finn Hill Neighborhood Plan list serve throughout the process
- A Finn Hill Neighborhood page is located on the City's website with updated information
- Postcards were sent to residents informing them of the earlier public meetings, open houses and the public hearing
- A flyer was mailed to all property owners in Finn Hill letting them know about the initial land use study areas and neighborhood plan process.
- Public comment letters, emails and oral comments were received by the Planning Commission, City Council and staff
- The Finn Hill Neighborhood Alliance sent out email announcements and solicited comments on their website
- An open house was held on October 10, 2017 to inform people of the draft plan and code amendments, rezones



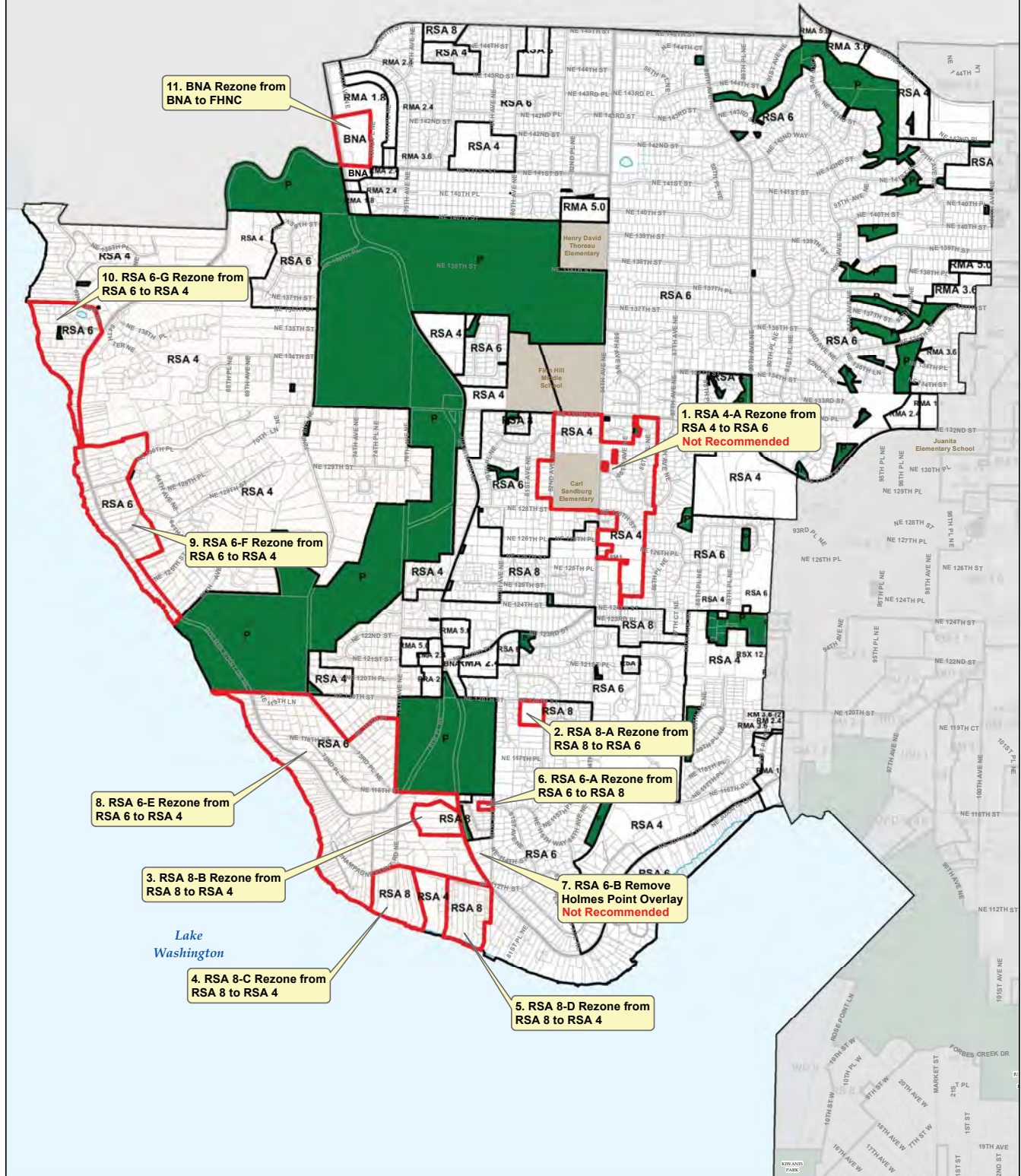
- Prior to the October 26, 2017 public hearing, postcards were mailed to every property owner, public notice boards installed in rezone areas and official notices provided

#### PUBLIC COMMENTS RECEIVED

Written public comments received by the Planning Commission and City Council were considered and are available on the [City's Finn Hill Neighborhood Plan project webpage](#). [Audios and minutes](#) of all the oral comments received at study sessions and public hearing are available on the Planning Commission webpage.

Enclosure:

1. Map showing Planning Commission recommended rezone areas



- Interstate
- Arterial / Collector
- Neighborhood Access
- Land Use Study Areas
- Holmes Point Overlay
- Park/Open Space
- Parcel Boundaries
- Lakes
- School

**Planning Commission Recommended  
Finn Hill Zoning Map Rezones  
11/9/2017**

N  
1 inch = 1,300 feet

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No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.  
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ORDINANCE O-4636

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN ORDINANCE 3481, AS AMENDED, TO INCLUDE CHAPTER X.V.P FINN HILL NEIGHBORHOOD PLAN, AMENDING THE LAND USE MAP, AMENDING THE KIRKLAND ZONING CODE ORDINANCE 3719, AS AMENDED, INCLUDING CHAPTERS 5, 10, 35, 92, 95, 105, 110, 112, 142, 180, AMENDING THE ZONING MAP ORDINANCE 3710, AS AMENDED TO INCLUDE LEGISLATIVE REZONES, AND AMENDING THE KIRKLAND MUNICIPAL CODE 3.30.040 DESIGN GUIDELINES FOR PEDESTRIAN ORIENTED DESIGN DISTRICTS AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. CAM15-01754.

1           WHEREAS, the City Council has received a recommendation  
2 from the Kirkland Planning Commission to amend certain portions of the  
3 Comprehensive Plan, for the City, Ordinance 3481, as amended, Zoning  
4 Code, Ordinance 3719, as amended, Zoning Map Ordinance 3710 as  
5 amended, and Kirkland Municipal Code all as set forth in the report and  
6 recommendation of the Planning Commission dated December 14,  
7 2017, and bearing Kirkland Planning and Building Department File No.  
8 CAM15-01754; and  
9

10           WHEREAS, prior to making the recommendation the Planning  
11 Commission, following notice as required by RCW 35A.63.070, held on  
12 October 26, 2017, a public hearing on the amendment proposals and  
13 considered the comments received at the hearing; and  
14

15           WHEREAS, pursuant to the State Environmental Policy Act  
16 (SEPA), there has accompanied the legislative proposal and  
17 recommendation through the entire consideration process, a SEPA  
18 Addendum to the *City of Kirkland 2015 Comprehensive Plan Update*  
19 *Draft and Final Environmental Impact Statement (EIS)* issued on  
20 October 25, 2017 by the responsible official pursuant to WAC  
21 197-11-340 and WAC 197-11-625; and  
22

23           WHEREAS, in regular public meeting the City Council considered  
24 the environmental documents received from the responsible official,  
25 together with the report and recommendation of the Planning  
26 Commission; and  
27

28           WHEREAS, RCW 36.70A.130, requires the City to review all  
29 amendments to the Comprehensive Plan concurrently and no more  
30 frequently than once every year and RCW 36.70A.130 (2)(a)-(i) allows  
31 the initial adoption of a subarea plan such as the Finn Hill Neighborhood  
32 Plan to be adopted separately.  
33

34           NOW, THEREFORE, the City Council of the City of Kirkland do  
35 ordain as follows:  
36

37           Section 1. Comprehensive Plan Text, and Figures amended:  
38 The Comprehensive Plan, Ordinance 3481, as amended, is amended as

39 set forth in the following Exhibits 1 and 2.a-h. attached to this Ordinance  
40 and incorporated by reference:

- 41
- 42 Exhibit 1: Chapter X.V.P, Finn Hill Neighborhood Plan
- 43 Exhibit 2 a. – h.: Land Use Map, Figure LU-1 to include eight
- 44 changes to the Land Use Map (rezone areas)
- 45 a. LDR 8 to LDR 6
- 46 b. LDR 8 to LDR 4
- 47 c. LDR 8 to LDR 4
- 48 d. LDR 8 to LDR 4
- 49 e. LDR 6 to LDR 4
- 50 f. LDR 6 to LDR 4
- 51 g. LDR 6 to LDR 4
- 52 h. Commercial C-24 units per acre (BNA) to Commercial
- 53 -Finn Hill Neighborhood Center (FHNC)

54  
55 Section 2. Official Zoning Map Changes: The Director of the  
56 Planning and Building Department is directed to amend the official City  
57 of Kirkland Zoning Map as set forth in the following Exhibits 3 a.-i.  
58 attached to this Ordinance and incorporated by reference indicating  
59 thereon the date of this ordinance passage:

- 60
- 61 Exhibit 3: Zoning Map changes to include nine rezones:
- 62 a. RSA 8 to RSA 6
- 63 b. RSA 8 to RSA 4
- 64 c. RSA 8 to RSA 4
- 65 d. RSA 8 to RSA 4
- 66 e. RSA 6 to RSA 4
- 67 f. RSA 6 to RSA 4
- 68 g. RSA 6 to RSA 4
- 69 h. RSA 6 to RSA 8
- 70 i. BNA to Finn Hill Neighborhood Center (FHNC)

71  
72 Section 3. Zoning Code Text and Plates amended: The  
73 Zoning Code, Ordinance 3719 as amended, is amended as set forth in  
74 the following Exhibits 4.-12 attached to this Ordinance and incorporated  
75 by reference:

- 76
- 77 Exhibit 4: Sections 5.10.145 Commercial Zones and 10.25
- 78 Zoning Categories to add Finn Hill Neighborhood Center
- 79 (FHNC)
- 80 Exhibit 5: Section 35.10.050 to add new Finn Hill Neighborhood
- 81 Center (FHNC) regulations
- 82 Exhibit 6: Chapter 92, Design Regulations to add FHNC
- 83 Exhibit 7: Chapter 95, Tree Management and Required
- 84 Landscaping to add FHNC
- 85 Exhibit 8: Section 105.18, Parking Areas, Vehicle and
- 86 Pedestrian Access and Related Improvements to add FHNC
- 87 Exhibit 9: Section 110.52, Sidewalks and Other Public
- 88 Improvements in the Design Districts to add FHNC
- 89 Exhibit 10: Section 112.15, Affordable Housing Requirements
- 90 to add FHNC
- 91 Exhibit 11: Section 142.37, Design Review to add FHNC

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Exhibit 12: Section 180, Plate 34N to add pedestrian circulation in FHNC

Section 4. Municipal Code Text: KMC 3.30.040 is amended as set forth in Exhibit 13 attached to this Ordinance and incorporated by reference:

Exhibit 13: 3.30.040 Design Guidelines for Pedestrian Oriented Districts to add FHNC design guidelines.

Section 5. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 6. This Ordinance shall be in full force and effect five days from and after its passage by the City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this Ordinance and by this reference approved by the City Council.

Section 7. 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 \_\_\_\_\_, 2018.

Signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Amy Walen, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kevin Raymond, City Attorney



# Finn Hill Neighborhood Plan

## Overview

In collaboration with the City of Kirkland, the U.W. Green Futures Lab (GFL) worked with Finn Hill residents and the Finn Hill Neighborhood Alliance (FHNA) to develop a neighborhood plan. This is the first neighborhood plan for Finn Hill following annexation to Kirkland in 2011.

Preparation of the Finn Hill Neighborhood Plan involved a comprehensive, two year-long process that included public events, online surveys, and development of alternatives by residents, and feedback on priorities, goals and policies from the neighborhood. The public outreach activities and involvement of City commissions, have guided development of this Plan.

## 1. Vision Statement

The following statement reflects how residents envision the Finn Hill neighborhood and written based on an extensive public outreach process held in February and March 2016.

Finn Hill is a predominantly residential, heavily treed and picturesque neighborhood overlooking Lake Washington. Rising to a height of 535 feet above sea level, with ravines and steep slopes on its flanks, Finn Hill is bounded by Lake Washington to the south and west, NE 145th Street to the north, and the Juanita neighborhood to the east. Access to the neighborhood is limited to three main entry points: Juanita Drive provides access to the southern and western portions of the hill, and Simonds Road/NE 145<sup>th</sup> streets and NE 132nd/90th streets provide the north east/west access to Finn Hill.

Two mixed use neighborhood commercial centers located on Juanita Drive, Finn Hill Neighborhood Center and Holmes Point Residential Market (Inglewood and Holmes Point), provide retail amenities and multi-family housing in the neighborhood.

Finn Hill residents feel very strongly about the unique setting of their neighborhood. Parks and natural areas are the stars of Finn Hill and considered high value resources that provide important wildlife and recreation connections. There is a deep affinity with, and a desire to care for, the natural environment, parks, open space, tree canopy, and Lake Washington. Residents take pride in their history of participating in fundraising campaigns, work parties, and planning activities focused on protecting the **neighborhood's woodlands, streams and parks**. Preserving or improving natural open space connectivity wherever possible is a major goal for Finn Hill residents, and received overwhelming support through the public outreach process. Finn Hill is encompassed by

many steep slopes that residents recognize must be protected or developed carefully to prevent landslides and erosion.

In keeping with the desire to preserve natural areas, Finn Hill residents seek to keep density low in single family residential areas. Although Finn Hill residents understand the need to accommodate newcomers to the neighborhood, they are especially concerned about the consequences from additional density such as undesirable changes to the character of established neighborhoods, loss of tree canopy, and increased traffic congestion.

Multi-family development should be located adjacent to neighborhood commercial zones in order to avoid conflicts with low-density areas and concentrate residential densities in areas that will support public transit. The improvement or redevelopment of existing commercial centers, rather than expanding commercial areas makes more sense in the context of Finn Hill. The Finn Hill Neighborhood Center (Inglewood commercial area) in particular has strong potential for redevelopment and residents expressed a desire to see the amenities here updated and diversified. The Inglewood shopping center could support the inclusion of more multifamily or diverse housing in and adjacent to the center, particularly if doing so would justify additional transit services for the neighborhood.

Transportation around and through Finn Hill is currently car centric. The existing trails and bike networks are much enjoyed and need further improvement. There is also a need for better connectivity up/down hills and towards key facilities such as schools, parks, and shopping centers. Forming a safe network of sidewalks and trails where walking is facilitated and comfortable is a major goal for Finn Hill. There are also concerns about traffic congestion during commute hours on key roads in Finn Hill, particularly Juanita Drive which is the main north- south thoroughfare through the neighborhood. Finn Hill residents support exploring alternative public transit solutions to reduce the need for residents to use their personal cars, especially during heavy commute periods.

Overall, residents want to preserve the existing character of the neighborhood while planning for the future.

## **2. Guiding Neighborhood Values**

Finn Hill residents' vision for their neighborhood's future seeks to balance the preservation and enhancement of its natural environment with the challenges of accommodating regional growth. Ideas and values about parks and the natural environment are closely related to issues concerning land use and transportation. Since the Finn Hill Neighborhood Plan must be implemented through a series of goals and policies, this section is meant to lay out the guiding values and ideas that connect the goals and policies between and within chapters and provide a basis for the rest of the neighborhood plan.

***Value 1: Promote human and wildlife connectivity through multifunction, interconnected green spaces.***

Neighborhood parks and green spaces should be connected into a continuous loop of woodland and trails. Key functions for these spaces include providing wildlife habitat, preserving forest canopy, protecting critical areas (including steep slopes), providing hiking and walking opportunities, and providing opportunities for biking that do not conflict with pedestrians. Ideally, the woodlands and trails would create a pervasive sense of connection with the natural environment. Additionally, they would support a broad, neighborhood-wide network of pedestrian sidewalks and paths, and bikeways, that would knit Finn Hill's two commercial areas more closely with the neighborhood.

***Value 2: Provide a consistent land use pattern that supports the neighborhood's desire to retain its low density character.***

A range of low density single family zoning exists from four to eight dwelling units per acre or equivalent RSA 4 to RSA 8 zoning. A patchwork of zoning districts exist where lower density surrounds smaller, islands of higher single family density zones. The neighborhood's residential zoning should minimize small pockets of zoning that allow residential development at densities and in forms that are inconsistent with surrounding homes. As part of the neighborhood planning process and depending on the topography, environmentally critical areas, existing street network and surrounding development, changes in land use to lower or higher density may be appropriate to provide a more consistent land use pattern. (See Land Use Section 6 for additional discussion).

***Value 3: Protect critical areas and preserve tree canopy cover and wildlife habitat to maintain the natural environment.***

For critical areas including landslide hazard areas, the neighborhood should examine regulatory options for increased protection of these areas and connecting them to the broader green space network city wide (see NV1, above). These include:

- a. Regulating development on geological hazard areas and streams and wetlands;
- b. Zoning approaches such as encouraging clustering of lots or structures to reduce impacts on slopes and retain more trees;
- c. Requiring protective covenants or open space easements to protect critical areas; and
- d. Purchasing property containing critical areas.

See Natural Environment Section 4 for more discussion.

***Value 4: Develop the neighborhood commercial districts into pedestrian oriented villages that are human in scale, provide needed services, gathering places, within walking distance of residential, support transit options, developed with sensitivity to the neighborhood's environmental and traffic concerns and maintain the neighborhood's character.***

This value complements Neighborhood Value 2 above and is based on the principles of the "10 minute walkable neighborhoods" concept discussed in the Land Use Element of the Comprehensive Plan. This concept emphasizes accessibility and walkable destinations, and it has already been implemented in other neighborhoods of Kirkland. Finn Hill residents have expressed an openness to considering denser multifamily residential development near existing commercial districts, in order to diversify residential housing choices (including affordable housing and housing for seniors), enhance shopping amenities, and improve transit options.

***Value 5: New development in the neighborhood should be in keeping with the neighborhood's vision of preserving and enhancing Finn Hill's natural environment.***

Land use changes and development review decisions should reflect the vision statement and the goals and policies of the neighborhood plan.

Residential and commercial development applications should be evaluated carefully with regard to their impact on transportation in and out of the neighborhood. They should particularly be evaluated in regard to commute congestion, their impact on the neighborhood's tree canopy, and their impact on surface water quality and flow management.



*Denny Fest Summer Event*

### 3. Historical Context

Prior to European settlement, Douglas fir, Western Hemlock and Western Red Cedar forests dominated Kirkland and Finn Hill. Fire was the major disturbance in the ecosystem, after which both understory shrubs and canopy trees would regenerate<sup>1</sup>.

Just south of Finn Hill at the mouth of Juanita Creek was a settlement of the Duwamish tribe called *TUHB-tuh-byook'w*. It was occupied by members of the Duwamish tribe and was part of a larger group of settlements on the eastern shore of Lake Washington in what is now Kirkland<sup>2</sup>. These settlements were abandoned in the mid- to late-19th century after the Duwamish ceded 54,000 acres of land under the 1855 Treaty of Point Elliott<sup>3</sup>.

Early European settlers of Finn Hill were predominantly of Finnish descent. The first families settled in 1896; some of the 55 families in the area include the Reineckainen (later changed to Raine), Norman, Mielonen, Petonen, Lindquist, Jarvi, Salmonson, and Haapa families<sup>4</sup>. The Finnish language was spoken. Families would share Finnish style bath houses heated with wood. At one time there were three halls for community dances, plays, and other programs.

As elsewhere in Kirkland, these early settlers first logged the area, then burned and pulled out the massive stumps left behind to prepare the land for agriculture. The Woodins Logging Co. had a tramway to take the logs from the top of the hill to Juanita Bay. Fruit, dairy, and vegetables were among the crops grown.

The Inglewood neighborhood—now part of **Finn Hill and the area of Finn Hill's largest commercial development** was first platted and named by L.A. Wold in 1888<sup>5</sup>. **In the 1970's Paul Kirk designed a unique subdivision into 21 circular one acre lots surrounded by common open space in the southeast area of Finn Hill.**

O.O. Denny Park is named for Orion Denny, son of Seattle founder Arthur Denny. The property **was Orion's country estate and his widow willed it to the City of Seattle. The property was later used as a summer camp for kids before becoming open to the public as a park.**

**As Seattle was preparing for the 1962 World's Fair, and the 10 million people who'd be coming to experience it, the Evergreen Point floating bridge was completed to connect Kirkland to Seattle.**

---

<sup>1</sup> Halpern, C. B., & Spies, T. A. (1995). Plant species diversity in natural and managed forests of the Pacific Northwest. *Ecological Applications*, 5(4), 913-934.

<sup>2</sup> Coast Salish Villages of Puget Sound. Located at: [http://coastsalishmap.org/new\\_page\\_6.htm](http://coastsalishmap.org/new_page_6.htm)

<sup>3</sup> Viltos-Rowe, Irene. Waste Not, Want Not—The Native American Way.

<sup>4</sup> Kirkland Heritage Society records; Radford, Barbara. What's in a Name located at: <http://finnhillalliance.org/2013/12/whats-in-a-name-2/>

<sup>5</sup> Majors, H. M. (1975). *Exploring Washington*. Van Winkle Publishing Company.



This led to a sharp increase in the population of communities on the eastside, including Kirkland and Finn Hill

Today, single family residential has replaced farms and agriculture. Finn Hill was annexed into Kirkland in 2011.



*Photo from the Barrie and Raine/Snow Collections.*

## 4. Natural Environment

The goals and policies herein build on the citywide Comprehensive Plan Environment Element policies. What is unique about the Finn Hill neighborhood is the amount of forested hills, natural stream corridors and shoreline areas concentrated within the City of Kirkland, which is reflected **in the neighborhood's vision statement on protecting the local natural environment.**

During the development of the Finn Hill Neighborhood Plan, the following priorities were emphasized through community outreach exercises:

- Conserve the natural environment, including tree canopy, wildlife habitat, streams, and wetlands.
- Restrict and enforce development standards to protect critical areas including streams, wetlands, and steep slopes susceptible to erosion and landslide hazards.
- Provide wildlife corridors and recreational connectivity.
- Ensure development standards protect the natural environment and forested neighborhood character.

### ***Goal FH-1: Protect and enhance Finn Hill Neighborhood's natural environment.***

Protect and enhance the natural environment by retaining native topography, tree canopy, and stream and wildlife corridors, which are key to stabilizing steep slopes, controlling storm water, and preserving neighborhood character.

### ***Goal FH-2: Require new development to preserve and protect ecosystem functions.***

Compliance with the Zoning Code regulations regarding tree retention, critical areas, and geologic hazardous areas are necessary to ensure new development, redevelopment and land surface modification meet neighborhood expectations and relevant goals and policies.

## Trees and Forest Ecosystems

### ***Goal FH-3: Maintain a healthy, sustainable urban forest through the protection and restoration of native trees, vegetation, and soil.***

To protect Finn Hill's neighborhood character and natural environment, concern for existing and future urban tree canopy coverage (UTC) emerged as a neighborhood priority. The benefits associated with protecting Finn Hill's tree canopy include:

- High tree canopy coverage contributes to lower storm water runoff volumes, lower peak stream flows and fewer flooding incidents.

- Protecting native vegetation reduces soil erosion, preventing sediment and other pollutants from entering streams and Lake Washington.
- Preserving continuous tree canopy is important for maintaining wildlife habitat and providing wildlife corridors.
- Protecting native trees and vegetation helps to protect soil ecosystems. In return, soils and the communities of microorganisms that they support are important in supporting healthy native trees and vegetation.



***Policy FH 3.1: Preserve and restore tree canopy throughout the neighborhood.***

Maintaining tree canopy is a priority for the entire Finn Hill Neighborhood. See section below regarding the Holmes Point Overlay area (HPO) where a tree canopy goal for the area is established to help preserve steep slopes, soil, vegetation and trees through designated Protected Natural Areas. Other Zoning Code regulations require open space covenants and easements be recorded on property to protect critical areas and slopes, in conjunction with strong development standards described in Policy FH 3.2, FH 4.6 and FH 4.9.

Preserving forest canopy and ecosystem function is also achieved through public purchase of land. Implementation of many of the strategies in the Kirkland Urban Forestry Strategic Management Plan also work towards achieving this policy.

***Policy FH 3.2: Establish regulations to protect trees during development, particularly large native trees and groves, and require restoration of trees, vegetation and soil impacted by development.***

Strengthening tree retention regulations is a major concern of Finn Hill residents. The majority of residents support more stringent limits on tree removal including the need for enforcement of adopted regulations. Residents want protection of existing trees, retention of tree canopy and restoration of impacted areas.

Protecting mature trees is important for the aforementioned reasons, as larger trees substantially improve air quality, mitigate storm water, reduce heat island temperatures, sequester more carbon, offer diverse wildlife habitat opportunities and contribute to neighborhood character.

Emphasis should be on retaining and replanting native tree species such as Douglas Fir, Vine Maple and Madrone trees.

The City should improve and enforce regulations which may result in amending KZC Chapter 70, Holmes Point Overlay and Chapter 95, Tree Management and Required Landscaping regulations.

***Policy FH 3.3: Protect soil quality during development.***

Protecting and enhancing soil quality focuses not just on characteristics such as nutrient availability, but also focuses on soil biological activity, organic matter content, water infiltration, and soil structure. Therefore native soils should be kept intact as much as possible, preventing soil compaction, erosion and removal during construction activities. Soil quality can be protected by 1) reducing the allowable clearing and grading areas; 2) limiting disturbance to native soils during construction; 3) applying protective layers of mulch blankets over soils where heavy equipment access is required; 4) complying with erosion control requirements; and 5) salvaging and storing native top soil for reapplication to the site. Low impact development techniques and soil requirements for planting new native trees and vegetation in the Zoning Code are encouraged to implement this policy.

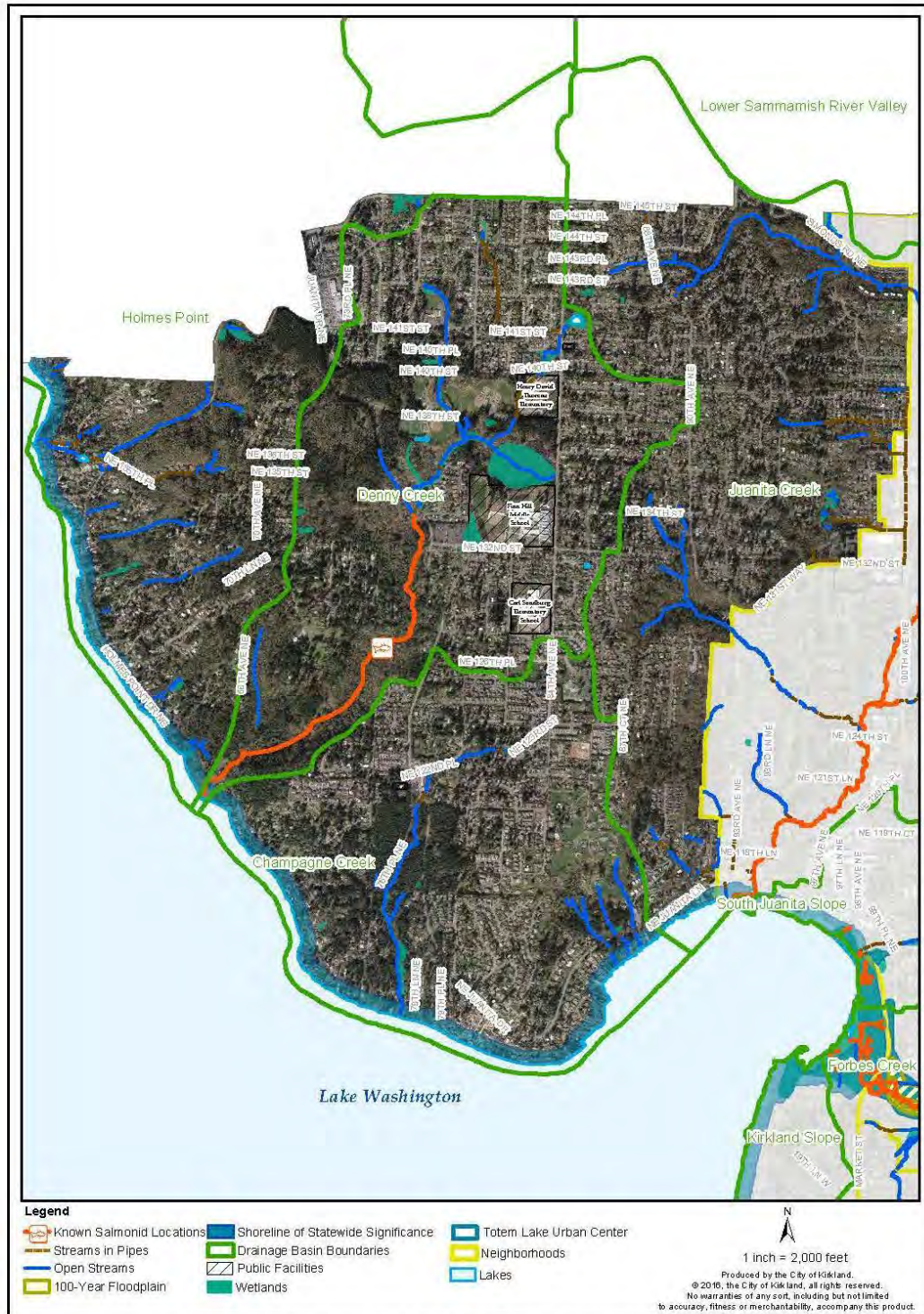
In addition to these policies that address tree protection, the policies in the Holmes Point Overlay section (below) are also relevant.

## **Streams, Wetlands, and Shorelines**

Finn Hill contains many streams, particularly along the western edge of Lake Washington's shoreline, and a number of wetlands (See Figure 4.1). The residents of Finn Hill feel strongly that streams, wetlands and the Lake Washington shoreline habitat should be protected and restored. These values are consistent with adopted policies in the Environment and Shoreline Area Chapters of the Comprehensive plan, regulations in KZC Chapter 90, Critical Areas Wetlands, Streams, Chapter 83, Shoreline regulations and City sponsored volunteer restoration programs.

***Goal FH-4: Preserve and restore streams, wetlands and shorelines and protect their biological integrity, including in stream and adjacent riparian habitat.***





**Figure 4.1: Finn Hill Wetlands, Stream, and Lakes**



***Policy FH-4.1: Encourage public and private property owners to protect and enhance streams, wetlands, and buffers for wildlife habitat and corridors.***

The 2014 Surface Water Master Plan includes an inventory conducted for Finn Hill prior to annexation which describes techniques property owners and the community can do to improve streams and wetlands including:

- Removing trash debris from streams and wetlands
- Removing structures or barriers to improve fish passage
- Restoring stream channels and buffers to improve habitat
- Monitoring streams and wetlands for invasive species
- Adding woody debris to streams
- Removing invasive species from buffers and planting with native vegetation
- Educating residents about stream bacterial loads caused by pet waste

The neighborhood, in cooperation with the City's Green Kirkland Partnership program can help restore streams, wetland and forested areas. The Finn Hill Neighborhood Alliance in cooperation with the City can disseminate information encouraging property maintenance that will preserve and enhance the quality of neighborhood streams and wetlands.

***Policy FH-4.2: Work with public and private property owners on education and compliance with shoreline regulations and to enhance shoreline habitat along Lake Washington.***

Development located within the jurisdiction of the Shoreline Management Act must comply with the state and local shoreline regulations in KZC Chapter 83. Kirkland is a Green Shores™ for Homes (GSH) pilot city. GSH is a voluntary incentive based program designed specifically for shoreline properties. Other shoreline habitat policies for Kirkland are contained in the Shoreline Area Chapter of the Comprehensive Plan and the Parks, Recreation and Open Space (PROS) plan.



## Surface Water

Unmanaged surface water contributes to environmental degradation through reduction in water quality, erosion of ravines and streams, and flash flooding and of ravines and streams. Preventing and minimizing these adverse impacts is important to the Finn Hill neighborhood. Implementing Low Impact Development (LID), which encourages infiltrating surface water on site, and other techniques to reduce surface water volume and pollution, is the main approach for addressing surface water. LID techniques improve water quality by filtering surface water before entering Lake Washington.

City policy and regulatory documents that address these issues are the Surface Water Master Plan (SWMP), Kirkland Municipal Code Chapter 15.52 and Zoning Code Chapters 90, Critical Areas, Wetlands, Streams regulations. The SWMP includes an inventory of surface water issues in Finn Hill that should be implemented as resources are available. Policy 4.1 above lists several techniques that property owners can do to improve stream corridors.

***Policy FH-4.3: Use natural storm water solutions to protect fish and other aquatic organisms (e.g. Low Impact Development reducing runoff from impervious surface area).***

Residents support use of Low Impact Development (LID) techniques such as rain gardens, pervious paving, cisterns, land conservation, green roofs, bio-swales, infiltration systems such as trenches and drywells, and other forms of bio-retention, curb extensions, cascades, and porous gutters.

***Policy FH -4.4: Educate property owners and residents to prevent point and nonpoint source pollution to improve water quality in local streams and Lake Washington.***

The City together with the Finn Hill Neighborhood Alliance should provide educational awareness and the enforcement programs to help prevent point and nonpoint source pollution.

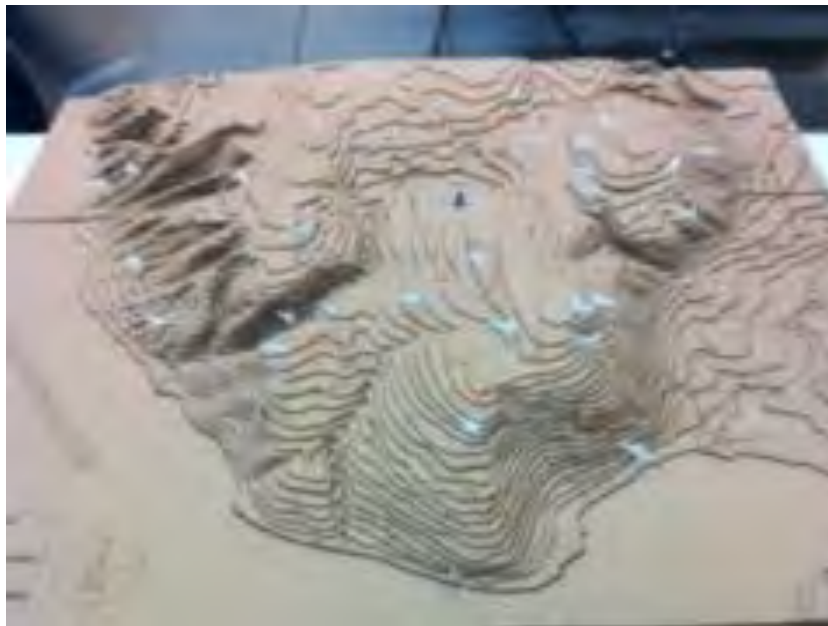
***Policy FH- 4.5: Conduct retrofit planning for existing conditions with the goal of improving hydrology and water quality consistent with the Surface Water Master Plan.***

Retrofit planning is the development of storm water flow control and water quality treatment facilities to serve existing development that does not currently have such facilities, or that has facilities designed to old or out-of-date standards. Facilities can be either de-centralized small ones that serve individual streets or buildings, or regional large facilities that serve multiple buildings and streets.

## Slopes and Geologic Hazardous Areas

Finn Hill's topography includes many steep slopes and stream corridor ravines, particularly on the east, south, and west edges of the neighborhood (See Figure 4.2: Geologically Hazardous Areas). These geologically hazardous areas and ravines are susceptible to erosion and landslides, particularly if disturbed and existing vegetation is removed. Soils susceptible to seismic hazards (including liquefaction) are generally located in areas containing wetlands.

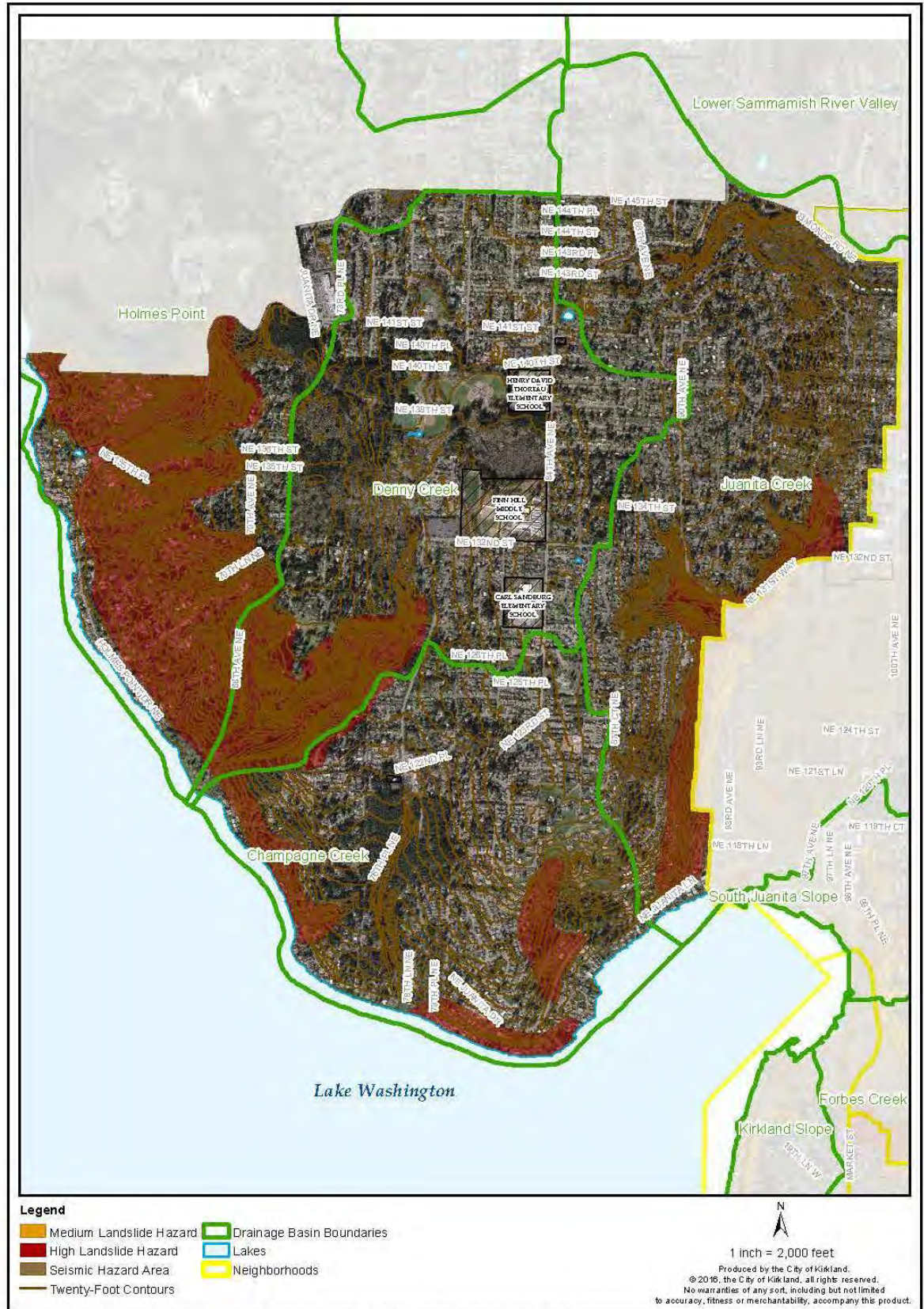
Zoning Code Chapter 85, Critical Areas: Geologically Hazardous Areas, establishes the regulations applied to development on property containing geologically hazardous areas. In Seismic and Landslide Hazard Areas, development activity is subject to increased scrutiny and must comply with regulations to control erosion contained in KMC Title 15, along with the Zoning Code Holmes Point Overlay Chapter KZC 70, Tree Management and Landscaping Chapter KZC 95, and Critical Area regulations for wetland and streams in KZC 90.



*3-Dimensional Model of Finn Hill Topography*

*Source: U.W. Green Futures Lab*





**Figure 4.2: Finn Hill Geologically Hazardous Areas**

***Policy FH- 4.6. Protect moderate and high landslide areas by limiting development and maintaining existing vegetation.***

Controlling erosion and preventing landslides is a desired goal expressed by Finn Hill residents.

Consistent with the regulations for property containing geologically hazardous soils are regulated in the City's codes, standards for limiting development on steep slopes should include:

- Conduct slope stability and structural analysis to minimize damage to life and property.
- Retain steep slopes in a natural condition through the creation of greenbelt easements.
- Locate development away from steep slope areas and drainage courses to preserve significant groupings of native trees and vegetation. Flexibility in lot size, clustering of housing units and placement of proposed improvements may be necessary to achieve this.
- Restrict lot coverage to retain vegetation and consider policies controlling setbacks.
- Control surface water runoff at pre-development levels.
- Retain watercourses and wetlands in a natural state.
- Retain native trees and vegetation to the maximum extent.



## Holmes Point Overlay

The Holmes Point Overlay (HPO) area is generally located west of Juanita Drive (see Figure 4.3). The HPO is dominated by the largest area of sensitive environmental features in the City, including stream corridors, steep slopes greater than 40%, and slopes susceptible to moderate and high landslide and erosion hazards.

The Holmes Point Overlay zone is a regulatory overlay with the purpose of providing increased environmental and tree protection in the Holmes Point area. The HPO regulations have existed in King County since 1999 and were carried over to the KZC Chapter 70 with the 2011 annexation.

The intent of the HPO overlay is to limit the amount of site disturbance on lots in order to protect vegetation, tree cover and wildlife, retain natural topography, protect potential geohazardous slopes, reduce visual impacts of development, and maintain community character. The HPO regulations limit maximum lot coverage and greater tree retention requirements beyond what is allowed outside the HPO and require a portion of the lot to be designated for tree and vegetation retention in perpetuity as a Protected Natural Area (PNA).





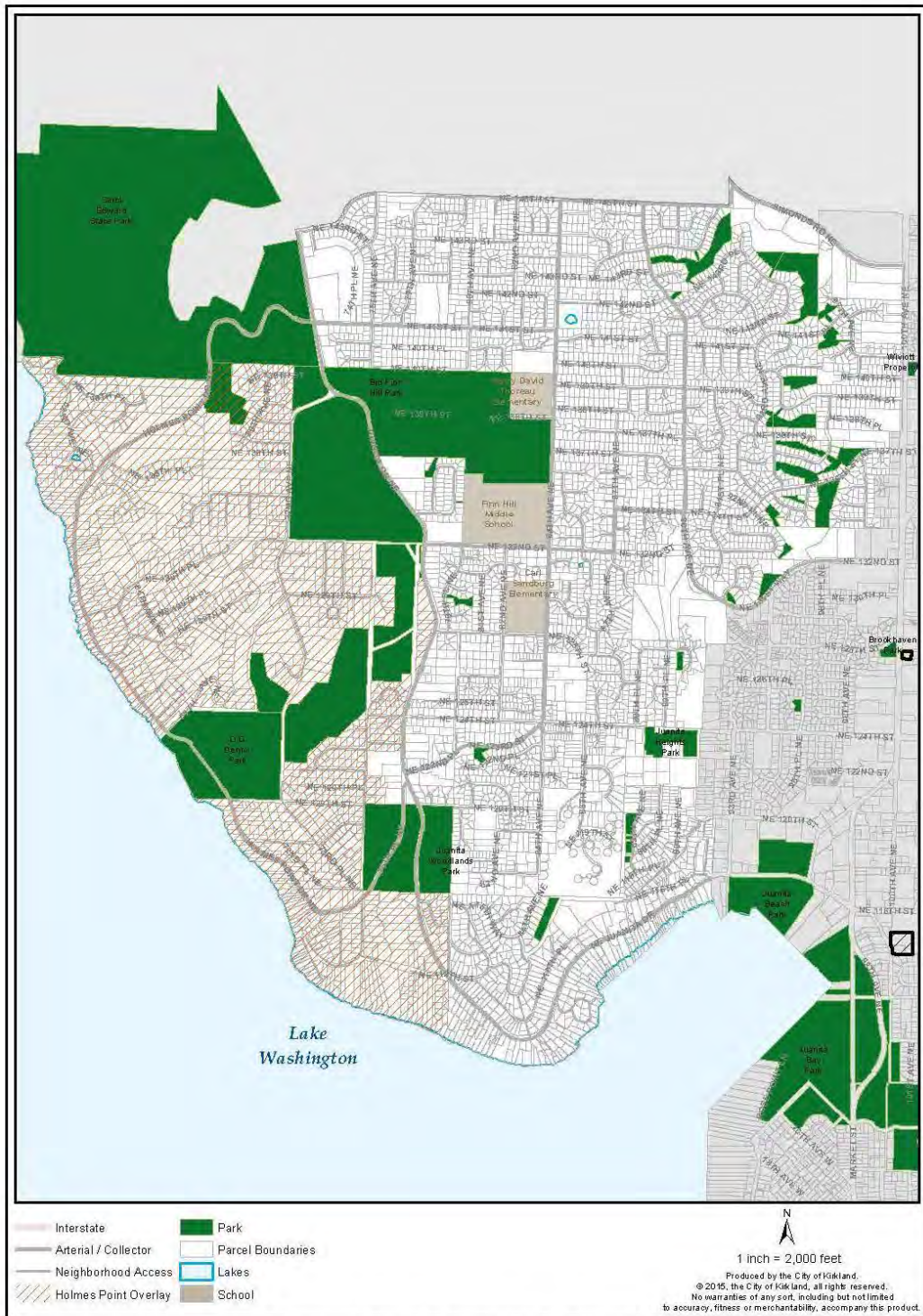


Figure 4.3: Holmes Point Overlay

***Policy FH-4.7: Protect, enhance and restore trees in the HPO with a tree canopy goal of 60%.***

Tree and canopy protection is a significant concern of Finn Hill residents. The environmental conditions in the HPO area mentioned above, justify a higher level of tree retention in order to help maintain a tree canopy of 60% within the Holmes Point Overlay zone compared to the tree canopy goal for the rest of the City at 40% (see Environment Chapter of the Comprehensive Plan).

***Policy FH-4.8: Strengthen the regulations and enforcement of the Holmes Point Overlay (HPO).***

To meet the canopy goal, the neighborhood supports clarifying and strengthening the HPO regulations. Concerns are that during the development review process a greater number of trees are removed than the intent of the HPO regulations allow. Because of environmental, topography or constraints of development such as location of vehicular access or utilities, the number of lots or residential density allowed by zoning may not be achievable in all cases. Balancing the intent of the HPO policies and regulations for greater retention of trees and natural areas with property rights and the underlying zoning density will be necessary in order to meet the neighborhood goals and policies.

***Policy FH-4.9: Limit site disturbance and retain trees and native vegetation on slopes to avoid or minimize damage to life and property.***

Because of the natural constraints of the HPO area discussed above, development in the HPO area should be subject to the following development standards and as contained in KZC Holmes Point Overlay Zone Chapter 70, KZC Critical Areas: Geologically Hazardous Areas, Chapter 85 and KZC Critical Areas for Wetlands and Streams, Chapter 90.

- Limit the amount of site disturbance
- Limit the amount of impervious service or lot coverage
- Retain a percentage of lot in open space
- Retain trees and natural vegetation and soils to a greater extent than outside the HPO
- Preserve and protect natural areas in perpetuity within an easement recorded on the property
- Provide supplemental replanting of native vegetation, evergreen trees and soil enhancement
- Cluster lots, limit site disturbance and locate vehicular access away from the steepest slopes
- Prepare geotechnical report and slope stability analysis
- Retain and enhance watercourses

- Review and approve short plats and subdivisions with integrated development plans so that the amount of site disturbance for locating structures, utilities, access and tree retention/removal is determined prior to beginning construction.

***Policy FH-4.10: Encourage clustering development away from slopes susceptible to moderate and high landslide potential to retain natural topography, vegetation and avoid damage to life and property.***

Clustering of development away from slopes should be a priority during development review to retain topography, trees, vegetation and minimize disturbance to moderate and high landslide hazard slopes. A qualified geotechnical engineer or engineering geologist may make other recommendations to be implemented during the permit review and construction phases of development.

***Policy FH-4.11: Conduct a neighborhood education program on the importance of tree retention, planting of native vegetation and HPO regulations.***

Educational programs for property owners, developers, and tree removal companies on topics such as tree maintenance and HPO code requirements would encourage stewardship of the urban forest and citizen awareness of violations to help achieve the goals of the HPO. Property owners could also be encouraged to increase planting native vegetation and trees. The City and neighborhood should partner together to conduct educational programs to support the intent of the HPO regulations.

## **Wildlife Habitat**

Finn Hill residents greatly value the fish, plants, and wildlife that live in the neighborhood and strongly support protecting and restoring wildlife habitat. Wildlife habitat areas provide food, protective cover, nesting and breeding areas, and corridors for movement for native plants, fish, or wildlife including but not limited to threatened, endangered, migratory and priority species. There are several known eagles nests located on the west side of Finn Hill above Lake Washington as well as heron, owls, pileated woodpecker, and coyotes in the neighborhood.

Historically, Finn Hill was blanketed with a dense conifer forest, including Douglas fir, Western Red Cedar, and Western Hemlock. Forest fires were frequent occurrences resulting in a patchwork of conifer forest and burned areas dominated by native shrub species including Vine Maple, Huckleberry, Salal, and Oregon Grape. While it is impossible to return to these conditions, an ideal urban forest provides wildlife habitat and corridors that reflect the habitat requirements of key species.

Previous sections Slopes, Geologic Hazardous Areas, Trees and Forests and Streams, Wetlands, and Shorelines build on the policies below. The funding policy identified in 3.1 will be instrumental

in setting aside land for wildlife habitat. In addition, the Green Loop discussed in Section 5 (Parks and Open Spaces) provides an opportunity to improve, connect, and protect wildlife corridors.

Finn Hill already contains a number of protected open space and natural areas (See Figure 4.3). These are managed by multiple governmental bodies, including City of Kirkland, City of Seattle, and King County. The continued preservation of these protected areas will require cooperation between Finn Hill residents and these entities.

***Policy FH-4.12: Promote and educate the public about wildlife and backyard habitat, in conjunction with Kirkland's designation as a certified Community Wildlife Habitat by The National Wildlife Federation.***

Additional opportunities for improving wildlife habitat that could be explored include encouraging safe snag tree retention on private property, shadier riparian areas, and pollinator corridors.

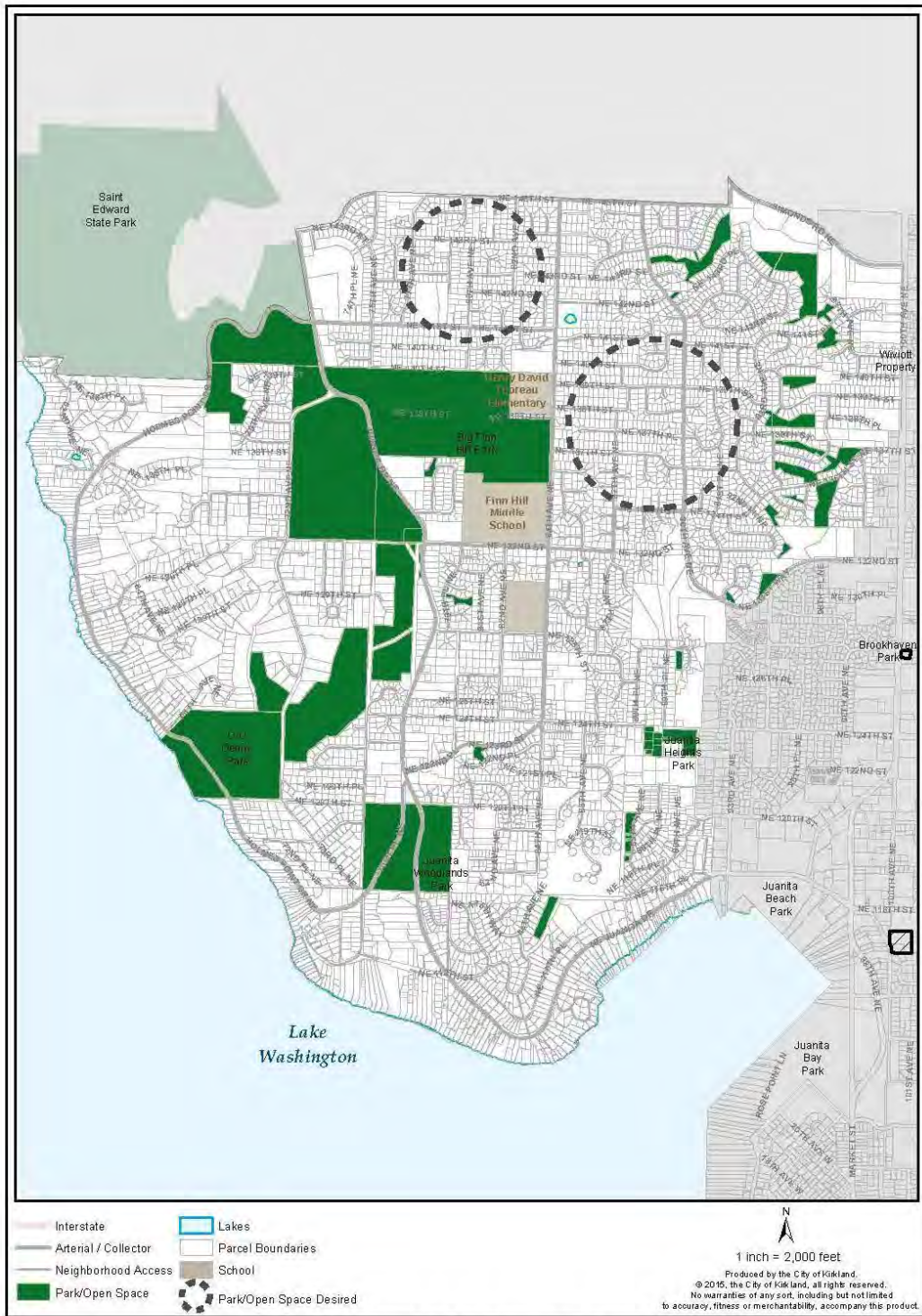
## 5. Parks and Open Space

Finn Hill includes 389 acres of parks and open space (38% of the city's park land). Finn Hill contains parks owned by several different public agencies (Figure 5.1). These include a portion of St. Edward State Park, Big Finn Hill Park, and O.O. Denny Park. Other neighborhood recreational facilities that are not always publically accessible include school facilities with outdoor sports fields and indoor gymnasiums.

Finn Hill residents place a high value on parks and preserving natural areas (discussed in the Natural Environment Section 4). Priorities discussed in this chapter are open space conservation, desired improvements to existing parks, expansion of park land, creating a Green Loop Corridor, pedestrian and bike trails, and improved access to Lake Washington.







**Figure 5.1: Finn Hill Parks and Open Space**

## Green Loop Corridor

***Goal FH-5: Establish a Green Loop Corridor that circles the neighborhood connecting parks, open spaces, pedestrian trails, wildlife corridors and natural areas, as shown in Figure 5.1.***

The neighborhood desires a Green Loop Corridor that could link current parks, open spaces, forested areas, natural areas, pedestrian trail and street systems, to promote active recreation and environmental preservation in Finn Hill. Figure 5.2 shows the location for the priority segments of the Corridor that should be established first.

The Green Loop Corridor concept promotes policies in the Kirkland Parks, Recreation and Open Space Plan (PROS Plan) of creating a Finn Hill Connection greenway and connections to the Lakes to Locks Water Trail.

***Policy FH-5.1: Develop a Master Plan for the Green Loop Corridor using a public review process under the direction of the Park Board that:***

- ***Includes the location, design and functions for the different segments***
- ***Promotes uses that meet the diverse needs of people for recreation, including walking, hiking, wildlife viewing, dog walking, and other forms of recreation***
- ***Prioritizes the segment of the loop connecting the Lake Washington shoreline to the top of Finn Hill, Juanita Beach Park to Juanita Heights, Juanita Woodlands and Big Finn Hill Park (see Figure 5.2 for priority locations)***
- ***Maintains and promotes retention of native vegetation and trees in natural areas, wildlife protection, stream and fish protection***
- ***Encourages public and private restoration efforts to remove invasive plant species and plant native herbaceous plants, shrubs, and trees.***

***Policy FH-5.2: Through the development review process, secure public easements or greenbelt easements to provide public access and preserve natural areas within the Corridor.***

It will be necessary to obtain public access easements over private property to connect the Corridor together with public parks, open space and public rights of way. One way to do this would be to obtain public access easements as part of the development review and approval process of a short plat or subdivision application in order to link pedestrian connections within the Corridor.

Funding mechanisms could also be explored for acquisition of land, trails or easements needed to create improvements within the Green Loop Corridor such as through the Capital Improvement



Program, grants or donations from non-profit organizations. For example, development impact fees could be set aside for the acquisition of green space needed to create the Green Loop Corridor.





**Figure 5.2 Green Loop Corridor and Development Priorities**



## Parks

Residents of Finn Hill desire improvements to the existing parks, acquisition of land for parks, new or improved signage, new activities, maintenance and preservation. The Parks, Recreation, and Open Space (PROS) plan identifies some of the same desired improvements requested during the public outreach for this neighborhood plan. As not all parks in Finn Hill are owned by the City of Kirkland, the City and the neighborhood should engage King County and the State in a public planning process for the development and improvement of all the parks in Finn Hill.

### ***Goal FH-6: Improve existing parks and open spaces, strengthen local connections with nature and promote neighborhood parks.***

***Policy FH-6.1: Consider and implement facility improvements to existing City owned parks and help facilitate improvements to non-City owned parks in coordination with other agencies.***

The neighborhood has identified desired improvements to the following parks:

- At Big Finn Hill Park: community gardens or P-patches, dog parks, and addressing conflicts between biking and walking user groups
- At Juanita Heights Park: provide improved signage and wayfinding for public access, and move the park entrance to NE 124<sup>th</sup> St.
- At O.O. Denny Park: new picnic and BBQ facilities, swimming facilities, and improved connectivity to Big Finn Hill Park. Shoreline and forest restoration plan, pest management strategy.
- At Juanita Triangle Park and Juanita Woodlands Park: improved signage and wayfinding.
- Finn Hill Middle School: Potential City-School Wetland Partnership (PROS Plan)



***Policy FH-6.2: Preserve significant natural areas for recreation, for residents to connect with nature, and for habitat protection at all parks including:***

- At Juanita Heights Park: Explore potential expansion to preserve and protect existing forest and provide trail connectivity, explore land acquisition and/or public easements to ensure connectivity to Juanita Beach, and explore purchase of vacant lots on steep slopes (see Figure 5.3).
- At O.O. Denny Park: Enhance shoreline natural areas by removing hard shoreline structures and creating soft vegetated shorelines to improve ecological functions.
- Explore options for preservation at other parks.

***Policy FH-6.3: Promote a variety of uses in parks, including walking trails, children’s playgrounds, social gathering areas, off leash dog areas and natural preservation.***

As master plans are developed for the various parks and open spaces within Finn Hill the activities and improvements listed above should be considered.

***Policy FH-6.4: Pursue acquisition of land and improvements for parks and open space as opportunities become available.***

As property becomes available, the City and other organizations should look for new park opportunities and expansion of existing parks and open space. Areas acquired for public parks and open space preservation could also support the Finn Hill neighborhood’s desire to protect native tree canopy (see Natural Environment policies 4.2, streams and wetlands, 4.3 wildlife preservation, 4.5 for hiking trails).

***Policy FH-6.5: Create smaller active neighborhood parks in the northeastern quadrant of Finn Hill.***

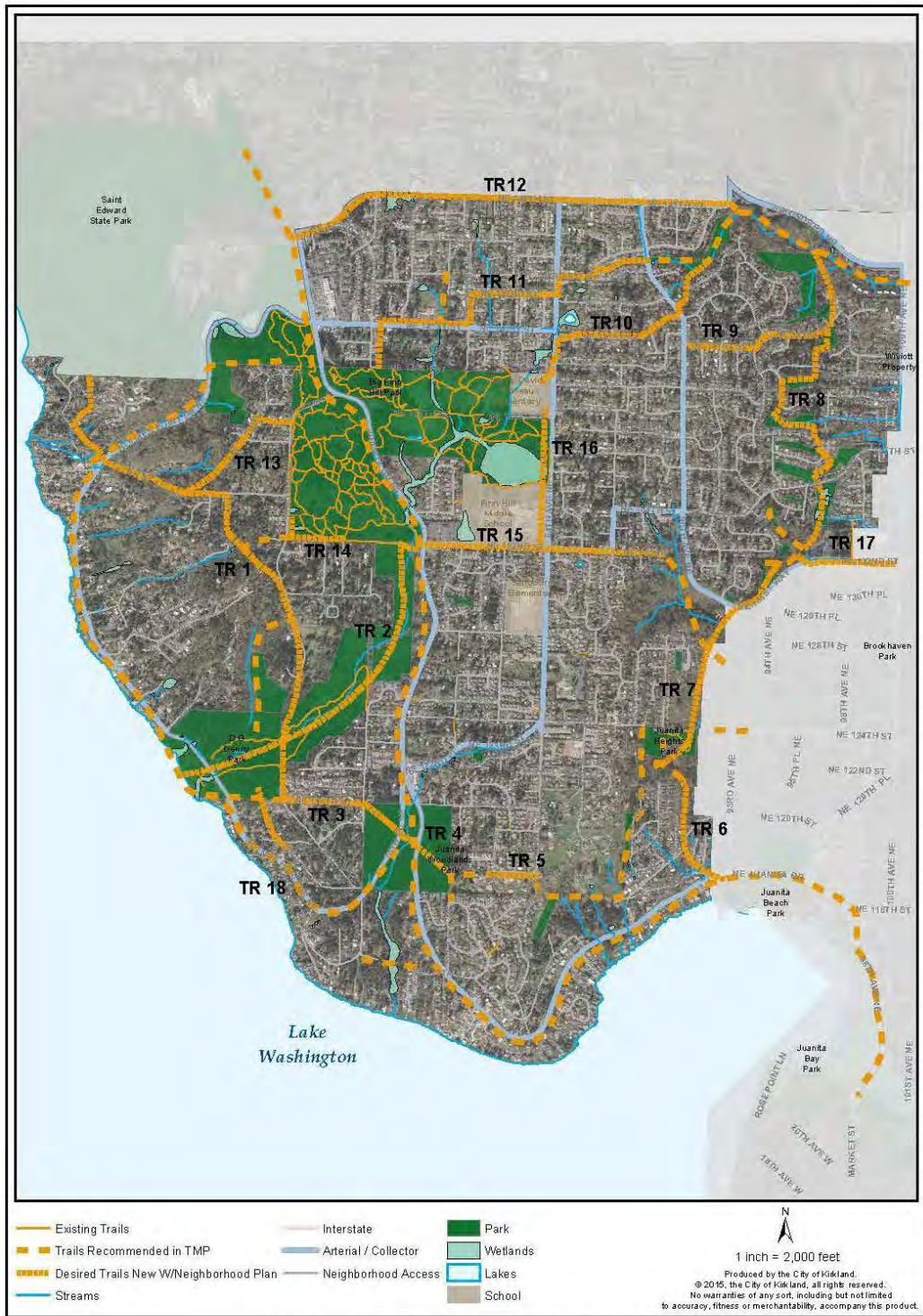
The Kirkland PROS Plan indicates a level of service guideline of a park within a quarter mile of each household. Finn Hill residents desire new neighborhood parks in the northeast part of Finn Hill, where small parks within walkable distance are missing (see Figure 5.1).

## Trails for Bikes and Pedestrians

Pedestrian and bicycle pathways provide an important transportation function within the parks and open space system. While there is an extensive pedestrian trail system in Finn Hill, it is generally limited to parks. As reflected in the vision statement, Transportation and Mobility Section and Green Corridor Section above, Finn Hill residents would like to create and/or enhance trail connections within the neighborhood:

***Goal FH-7: Expand the walking, hiking, and cycling trail system and connect detached parts of the neighborhood and parks.***

Figure 5.3 below shows the existing trail system and desired extensions that could be developed for recreational use in addition to non-motorized pedestrian and bike system.



**Figure 5.3 Finn Hill Trail System**



***Policy FH-7.1: Create and enhance pedestrian trail connections:***

- ***Between Juanita Beach, Juanita Heights Park, O.O. Denny and Big Finn Hill Parks and Saint Edward State Park.***
- ***Between areas of the neighborhood that are isolated or disconnected, including Hermosa Vista and Goat Hill***
- ***Connect with trail systems outside of the neighborhood***

***Policy FH-7.2: Partner with local utilities, public agencies, and private landowners to secure trail easements and access for trail connections.***

As discussed in Section 1 above public access easements will need to be acquired for both the Green Corridor Loop system and for trail connections.

**Lake Washington Shoreline Access**

There is a strong community desire for more publicly accessible waterfront areas, including for small non-motorized watercraft. Existing public shoreline access is limited to O.O. Denny Park. Street ends with potential for public access could be improved.

***Policy FH-7.3: Improve public street ends to provide lake viewing and public access to Lake Washington in compliance with Shoreline Master Plan.***

Consistent with other shoreline areas of the city, public right of way street ends in Finn Hill should be improved to allow public pedestrian and non-motorized access to Lake Washington.

***Policy FH-7.4: Restore public shorelines on Lake Washington to improve habitat, hydrology, and recreational opportunities.***

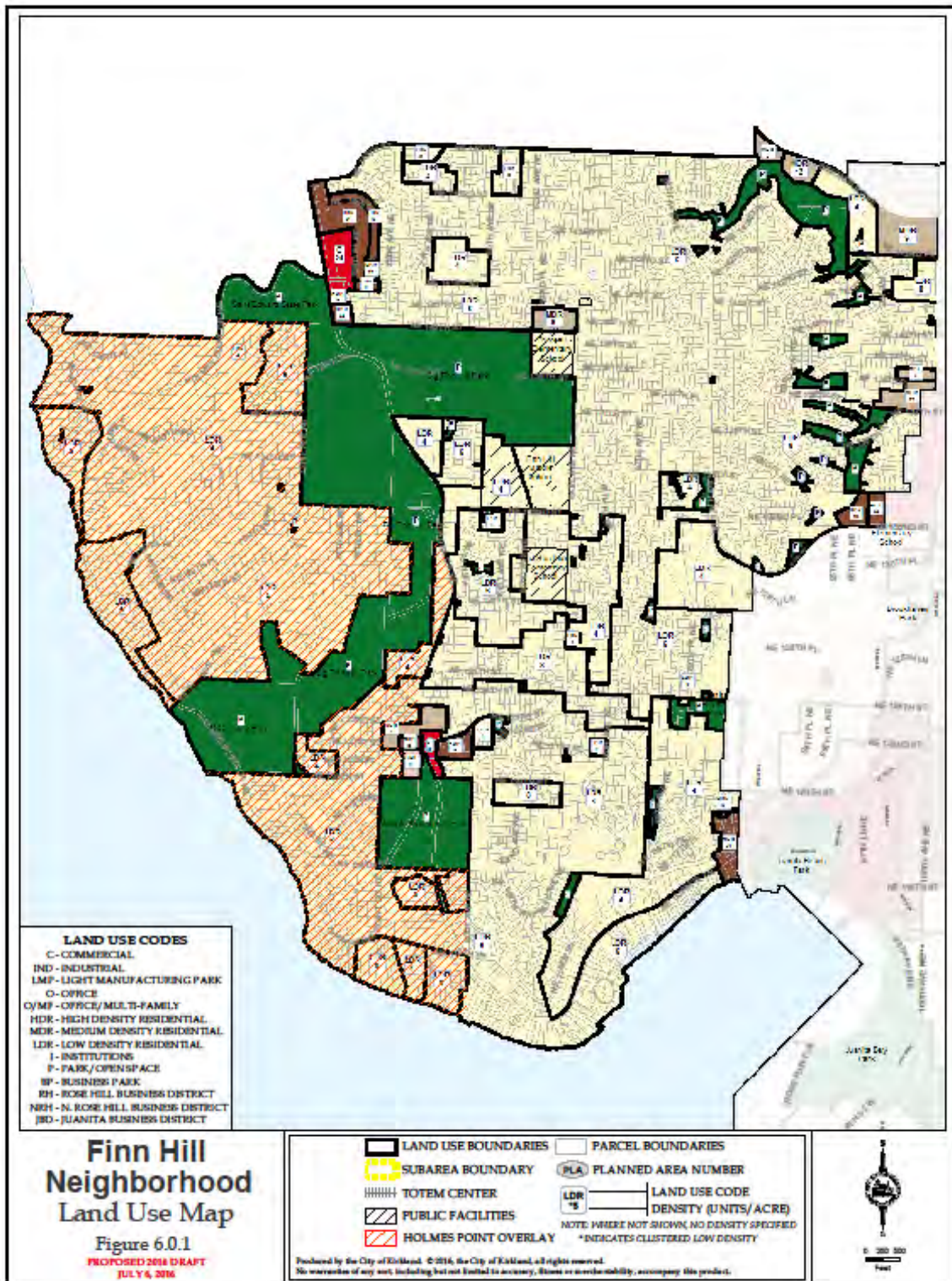
Public parks and open space located along the shoreline should be restored with soft armoring techniques and native plants consistent with the policies contained in the Shoreline Chapter of the Comprehensive Plan.

## 6. Land Use

Prior to the annexation of Finn Hill into the City of Kirkland in 2011, King County zoning allowed a broad range of residential densities, resulting in a patchwork of land use districts and islands of higher single family density surrounded by lower density development patterns in some areas constrained by critical areas such as steep slopes, stream corridors and ravines. Figure 6.1 shows the land use districts map for Finn Hill. Approximately three percent of the land is zoned for multi-family and eighty percent zoned low density residential.

The neighborhood plan process provided an opportunity to evaluate the land use patterns, zoning district boundaries and residential density to be consistent with the Land Use Element and other policies in the Comprehensive Plan. In some areas a lower density or higher density is more appropriate. Land use and zoning changes were based on a variety of factors including the existing density of development within each zone, surrounding development pattern, accessibility and street network, topography and proximity to commercial services. The neighborhood is **supportive of the “10 minute walkable neighborhood” concept. This concept emphasizes that** areas considered for an increase in density should be near walkable destinations such as retail, services, schools and parks.

*(Note: This map will need to be revised).*



## Low Density Single Family Residential

Finn Hill Neighborhood contains a range of single-family housing densities. The land use pattern is generally the same as designated by King County prior to annexation. As new and infill development occurs, streets, sidewalks and utilities are being brought up to City standards.

The Finn Hill community emphasized maintaining the low density residential character and natural environment of the neighborhood as a priority. Those neighborhood values for Finn Hill residents are noted in the vision statement and are reflected in the following goal.

***Goal FH-8: Retain the residential character of the neighborhood, natural environment and tree canopy while accommodating new development.***

***Policy FH-8.1: Limit development in environmentally sensitive or geologically hazardous areas, and minimize loss of native vegetation and tree canopy coverage.***

The Finn Hill community supports limiting development in environmentally critical areas, in order to mitigate disruption to wildlife, retain tree canopy as much as possible, and conserve land for open space and parks. Development policies and standards are also discussed in the Natural Environment section. Regulations may restrict or reduce allowed residential density especially in environmentally critical areas, steep slopes or the Holmes Point Overlay zone. Mechanisms to encourage preservation (e.g. greenbelt easements) are also discussed in the Natural Environment and Parks and Open Space sections.

***Policy FH-8.2: Establish a logical development pattern with zoning district boundaries that take into account existing and planned land uses, vehicular access, property lines, topographic conditions, and natural features.***

This policy seeks to address the patchwork of zoning in Finn Hill and to minimize islands of zoning districts surrounded by lower density areas. In general, **for most of Finn Hill's relatively flat land** with a connected street network, the appropriate zoning is low density residential with a range of six to eight dwelling units per acre (LDR 6-8; equivalent RSA 6 and RSA 8 zones). Some islands of low density RSA 8 zoning are surrounded by lower density zoning. For many areas located on steep slopes containing streams, wetlands, geologically hazardous areas, and large forested areas the density is lower in order to provide added environmental protection (LDR 4 or equivalent RSA 4 zone).

The Holmes Point Overlay area requires a higher level of environmental protection (discussed in Section 4: Natural Environment) and therefore, there was neighborhood support to reduce residential density from what was in place at time of annexation.





***Policy FH-8.3: Allow alternative housing options that are compatible with surrounding development.***

A variety of housing styles provides housing choices for people in various stages of life and family living situations. Consistent with City wide policies in the Land Use and Housing Elements, clustered housing, accessory dwelling units, cottage, carriage, and two/three unit homes should be encouraged in low density zones.

## **Multi-family Residential**

A range of medium (MDR) and high-density (HDR) multi-family zones (five to 24 dwelling units per acre exist (comparable zoning RMA 5.0, RMA 3.6, RMA 1.8, RMA 2.4) along major streets and surrounding the two commercial areas. Medium density is appropriate on the perimeter of low density residential areas with access to major streets. High density residential is appropriate within and adjacent to the two mixed use commercial areas where residential units have access to major streets and potential for increased transit service.

***Goal FH-9: Medium and high density residential development is appropriate adjacent to the two commercial areas.***

Residents of Finn Hill support focusing medium and high density residential zoning/development around commercial areas consistent with the City of Kirkland's Land Use Element, "10 minute walkable neighborhood concept" and to enhance commercial amenities and transit options.

***Policy FH-9.1: Encourage development of affordable housing in multi-family and mixed-use commercial areas.***

Affordable housing is best located when mixed with market rate multifamily housing units and in areas with good access to transit, employment and shopping. As redevelopment occurs in the mixed use commercial centers, affordable housing is encouraged consistent with citywide policies and regulations. In addition, opportunities for affordable housing should also be considered and encouraged in single family areas.

## Commercial Areas

***Goal FH-10: Encourage neighborhood commercial areas to be mixed use, pedestrian oriented gathering places, and support the commercial needs of the neighborhood.***

Finn Hill currently has two Neighborhood Business commercial areas designated by the Land Use Element (See Figure 6.3).

The larger commercial area in north Finn Hill is designated as the Finn Hill Neighborhood Center (known as the Inglewood shopping area). Appropriate uses for the Finn Hill Neighborhood Center are a mix of commercial uses including office, retail, restaurants, hotels, and business services serving neighborhood and sub-regional markets, along with multifamily/multi-use housing. Grocery stores should remain a high priority for this location. Architectural and site design should be pedestrian oriented, in scale with the surrounding residential neighborhood, and provide effective transition techniques between commercial uses and surrounding residential neighborhoods.

The southern commercial area is designated as the Holmes Point Residential Market in the Land Use Element. This area is appropriate for commercial uses to serve the local neighborhood and residential units above or behind commercial and office uses. Like the Finn Hill Neighborhood Center discussed above, new development should be pedestrian oriented and in scale with the surrounding residential area.

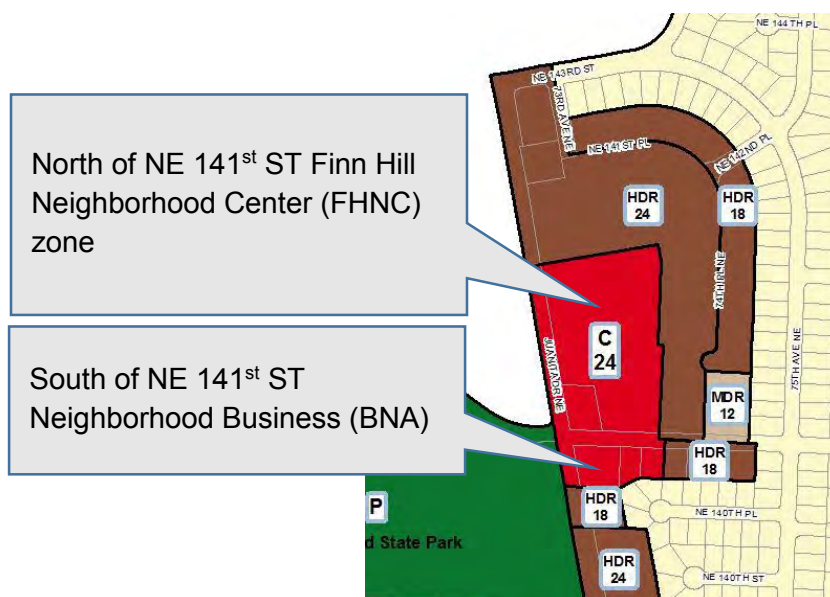
The intent of neighborhood business centers is to provide gathering places or central focal points with goods and services for residents within a 10 minute walking radius. Design review is required to ensure attractive site and building design that is compatible in scale and character with the surrounding neighborhood.

In multiple community workshops and surveys, Finn Hill residents identified that they would like better access to local commercial areas and amenities, as currently they need to travel outside Finn Hill for basic amenities. Additionally, there are insufficient connections (pedestrian, bike, car, and transit) between commercial areas and the surrounding neighborhood. Targeting new development to the two existing commercial areas was preferred to creating additional commercial zones.

The community identified restaurants, cafes, pubs, and locally-owned retail stores as desired types of businesses. The community also expressed that future development should accommodate expanded transit services, alternative modes of transportation, in order to mitigate for increased traffic congestion, increased housing density, and environmental degradation (see Transportation section). Policies for each of the commercial areas and general urban design goals were developed based on these values.

## Finn Hill Neighborhood Commercial Center

The Finn Hill Neighborhood Center is currently a one story strip mall style commercial development surrounded by two story townhomes and offices to the south. Current uses include a grocery store, restaurants, a gas station, and a coffee stand along with one-story office buildings. Finn Hill residents believe that the Finn Hill Neighborhood Center is an underutilized resource that is poorly connected to the surrounding neighborhood (no public transit and poor pedestrian and bike access via trails and sidewalks). Additionally, traffic congestion in and around the area is a major concern.



***Policy FH-10.1: Encourage the Finn Hill Neighborhood Center to be a mixed-use pedestrian oriented neighborhood commercial area with improved public amenities, public transit, access for bicyclists, trail and sidewalk connections. Allow mixed use up to five stories if properties are consolidated, project includes a grocery store, public plazas, affordable housing, green building and sustainable site standards.***

Should redevelopment occur north of NE 141st Street, the Finn Hill Neighborhood Center (FHNC) is envisioned as a pedestrian oriented mixed use development consisting of residential and commercial buildings open space plazas, grocery store, small neighborhood retail stores, wine

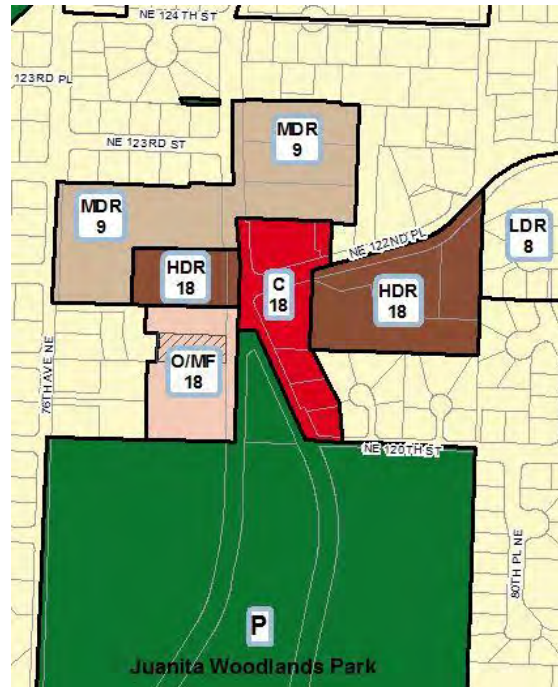
bars or pubs and improved transit service. Building heights of three to five stories are appropriate. To encourage redevelopment, five stories should be allowed if properties are consolidated, uses include a grocery store, the project includes public plazas, affordable housing, green building and sustainable site standards. Design Guidelines for Pedestrian Oriented Districts should be used with attention to architectural scale, massing and upper story step backs, and pedestrian connections.



South of NE 141<sup>st</sup> Street, are several small parcels containing general and medical office uses. These parcels shall remain as Neighborhood Business.

## **Holmes Point Residential Market Commercial Area**

The Holmes Point Residential Market area is currently a one story strip mall style commercial development surrounded by multifamily and single family housing. Current amenities include a restaurant and gas stations. An office use is across the street to the west. Finn Hill residents feel that it is an underutilized resource that lacks public transit access, connections for bicyclists, and connections for pedestrians with trails and sidewalks. Traffic congestion in and around the area is a major concern, particularly on Juanita Drive and NE 122nd Place.



*Holmes Point Residential Market is shown in red*

***Policy FH-10.2: Encourage the Holmes Point Residential Market area to be a neighborhood commercial area with improved amenities, public transit, bike connections, and trail/sidewalk connections.***

Although smaller in scale to the Finn Hill Neighborhood Center, the Holmes Point Residential Market area is envisioned as a more energetic commercial development with small scale neighborhood services, restaurants supported by the surrounding multi-family and low density residential neighborhood. Appropriate building height is up to three stories subject to the Design Guidelines for Pedestrian Oriented Development.





## Urban Design Principles:

Figure 6.2 shows the urban design assets in the neighborhood. These include views of Lake Washington and the Olympic and Cascade Mountains and the approximate locations for gateway features and activity nodes.

***Goal FH-11: Enhance the urban design of Finn Hill commercial areas to strengthen neighborhood identity and create places for people to gather.***

***Policy FH-11.1: Promote the use of pedestrian-oriented design techniques as described in the Design Guidelines for Pedestrian Oriented Business Districts, and the Design Regulations in Chapter 92 of the Kirkland Zoning Code.***

The following design principles for the two commercial areas are based on community input and feedback from multiple community outreach events.

### Structures:

- Commercial areas should include mixed-use buildings with housing or office over retail.
- Building scale should be sensitive to the surrounding neighborhood context, reflecting the neighborhood identity.

- Promote high quality site design and streetscape improvements that identify Finn Hill as unique to other commercial districts such as the use of decorative pedestrian street lighting.
- Create effective transitions between commercial areas and surrounding residential areas.
- Buildings that are pedestrian oriented in design should be located such that sidewalks may be activated with activities.

### Streets and Connectivity:

- Commercial area streets should be multi-modal and include on-street parking and underground parking.
- Encourage pedestrian connections between uses on a site and adjacent properties.
- Minimize the obtrusive visual nature of parking lots by orienting them to the back or side of buildings or within parking structures and perimeter landscaping.

### Amenities:

- Public spaces include gathering places or plazas with seating options.
- Develop gateway features to strengthen the identity of the neighborhood (such as gateway signs, landscaping or art feature; See Figure 6.2)
- Provide bicycle and pedestrian amenities including directional signage.

### Sustainability:

- Green building techniques such as green walls, green roofs, native plants, storm water cells, tree retention, permeable paving should be installed
- Renewable energy should be employed in the commercial areas, particularly solar.

### Public Art:

- Public art such as sculptures, environmental art, architectural art, community engagement should be used where possible to add character to the commercial areas.



Figure 6.2: Urban Design Features

## 7. Transportation and Mobility

The vision for the Finn Hill Neighborhood transportation system is to provide safe, comfortable, and efficient circulation for people who walk, ride bicycles, drive cars and ride transit, within the neighborhood. During the neighborhood plan public participation process, residents emphasized the importance of improving the existing trails and bike network, particularly the connectivity to key destinations (schools, shopping center, etc). Other comments expressed are covered in the City wide Transportation Element such as implement Complete Streets, low impact development techniques along streets to handle surface water, coordinate land use with transportation and transit policies, and prioritize sidewalks on school walk routes.

The transportation and mobility goals in this chapter are intended to make public transit, walking and or riding a bicycle an attractive option for most residents in the neighborhood. Investments in the neighborhood should also be prioritized in order to support these options. The City's Transportation Element will guide the implementation of these goals as well as the Capital Improvement Plan (CIP). References to transportation policies in the Transportation Element are included throughout this chapter.

This chapter addresses primarily circulation in the public right-of-way. Recreational trails, the Green Corridor Loop, are discussed in the Parks and Open Spaces section.

### **Sidewalks, Intersections, and Pedestrian Mobility throughout the Finn Hill Neighborhood**

Throughout the neighborhood plan public outreach process, Finn Hill residents expressed concerns regarding the lack of safe sidewalk connections to important neighborhood assets, including: schools, parks, transit stops, and other public destinations. The 2016 status of sidewalk completion in Finn Hill is shown in Figure 7.1.

As the neighborhood grows over time, sidewalks should be brought up to City standards and connections to neighborhood assets should be prioritized. Residents identified a network of sidewalks and intersections that they felt are a high priority for improvement in the neighborhood (Figure 7.2).

***Goal FH-12: Form a safe multi-modal network of sidewalks, trails, bikeways and crosswalks where walking and cycling are the first choice for many trips.***



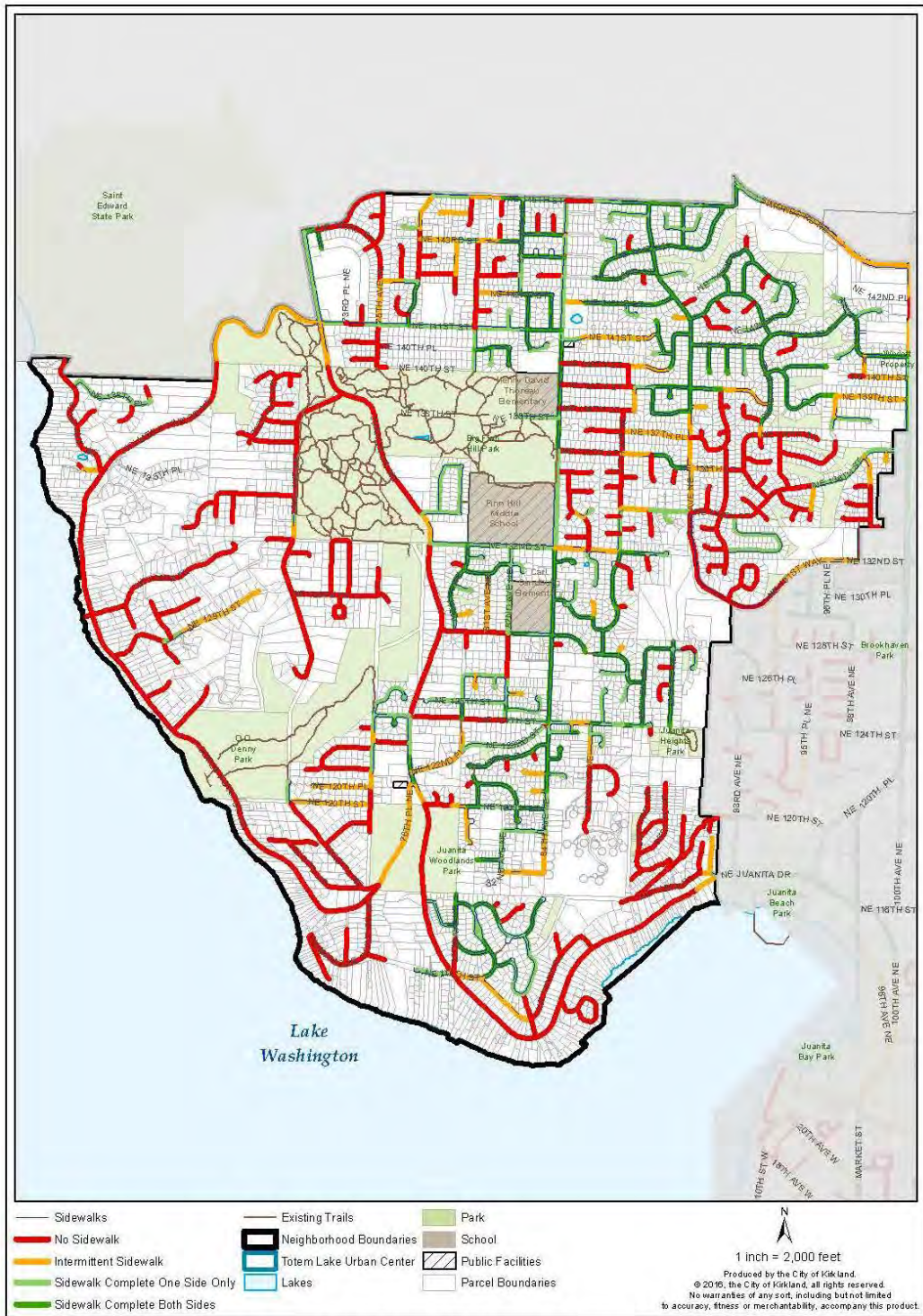
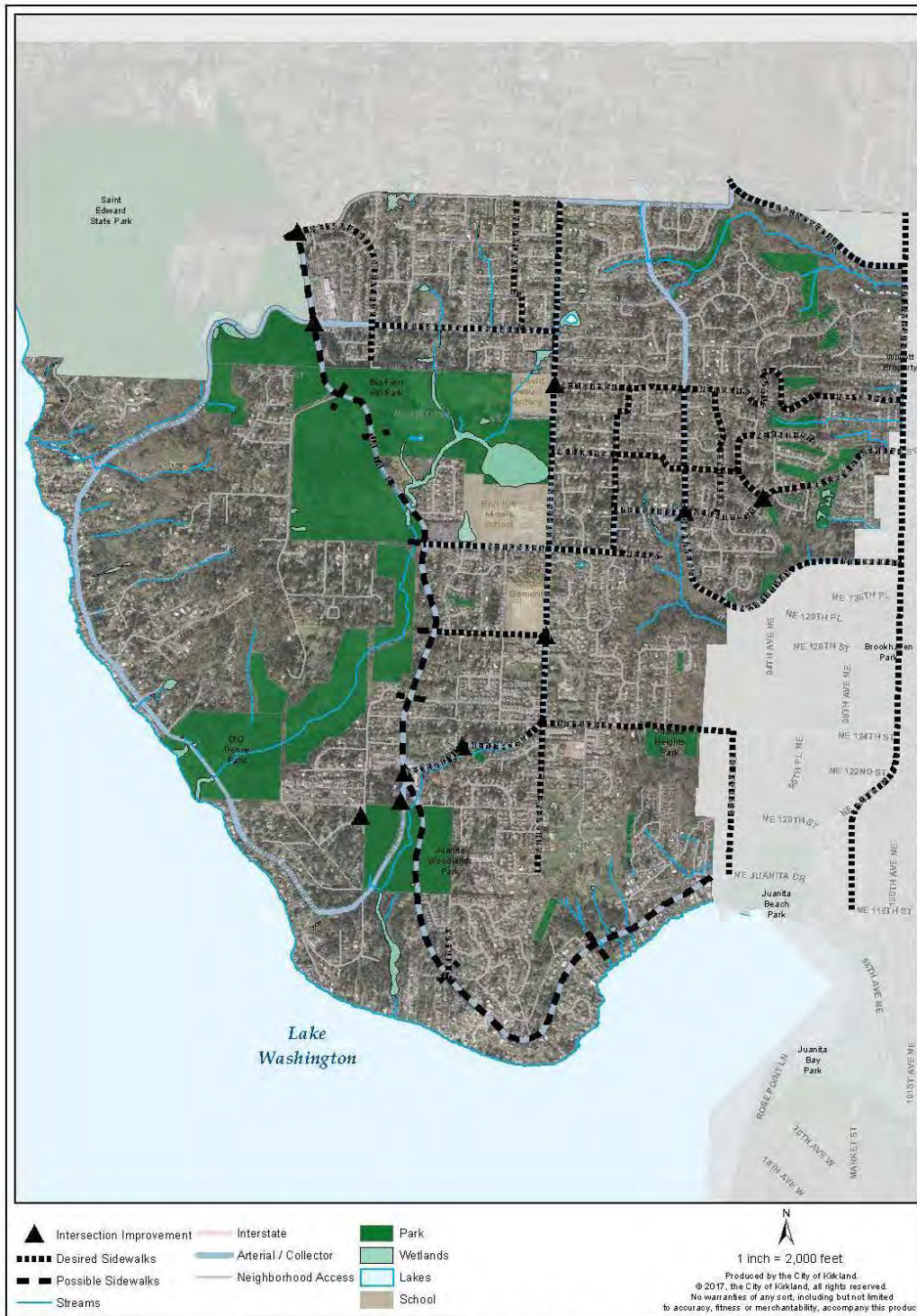


Figure 7.1: Finn Hill Pedestrian System





**Figure 7.2 Finn Hill Priority Sidewalks and Intersection Improvements**

***Goal FH-13: Create and improve sidewalk connections to schools and destinations throughout the neighborhood.***

***Policy FH-13.1: Establish safe and comfortable pedestrian crossings on major arterials.***

Finn Hill residents are concerned about the safety of new and existing pedestrian facilities throughout the neighborhood. Residents support installing crosswalks, signage, safety refuge islands, signals, flashing lights and flags at intersections; improved lighting; sidewalks along major arterials, separation travel modes (e.g. raised curbs) where other forms of non-motorized and motorized transportation may cause safety concerns for pedestrians and addressing sight distance issues.

***Policy FH-13.2: Prioritize designated School Walk Routes for pedestrian improvements.***

City wide priorities encourage children to walk to school and to complete a sidewalk network on all school walk routes. Consistent with this city wide policy, completing a network of sidewalk systems and other public improvements on school walk routes within the neighborhood is desired.

***Policy FH-13.3: Prioritize pedestrian pathways to neighborhood destinations (parks, public transit, and commercial areas) to improve and encourage pedestrian connections to amenities.***

Finn Hill residents identified a number of critical neighborhood pedestrian connections such as connections between 84<sup>th</sup> Avenue and the Hermosa Vista development and Goat Hill area and improving pedestrian access to parks, public transit, commercial areas and the shoreline (See Figure 7.2). Removing barriers to pedestrian pathways by providing connections through cul de sacs and dead end streets is also desired.

***Policy FH-13.4: Along streets, provide pedestrian amenities such as crosswalks, sidewalks, street trees, lighting and street furniture to encourage walking, provide informal gathering places and enhance the pedestrian experience.***

Providing the pedestrian amenities suggested in this policy make walking more enjoyable and safe, especially around destinations such as commercial areas, parks and schools.

## **Vehicular Circulation**

Figure 7.3 shows the major vehicular circulation routes throughout the Finn Hill neighborhood and street classifications. As part of the neighborhood plan outreach process, Finn Hill residents are concerned about traffic congestion in their neighborhood, particularly as there are a limited number of arterials and entry points into the neighborhood. Two key concerns regarding vehicular traffic emerged from community outreach: congestion and safety. At the same time there are areas of Finn Hill with underdeveloped streets. Improvements to these are necessary to enhance vehicular circulation and emergency access.

Commuter traffic on Juanita Drive is a major concern as it is the main north-south route through the neighborhood and a key entry point to the neighborhood. Ongoing development in Finn Hill and surrounding areas is intensifying commute congestion issues. To address these issues, residents would like to focus policies toward encouraging neighborhood trips with more efficient alternative modes of transportation. Through the Neighborhood Traffic Control program techniques can be implemented to minimize commuter cut thru traffic on internal neighborhood streets.

***Goal FH-14: Implement a more efficient, safe and sustainable transportation system.***

***Policy FH-14.1: Prioritize improvements which encourage transit use, car-pools, bicycle-use and more sustainable forms of transportation which minimize our impact on the environment.***

This policy reflects resident's priorities to provide a multi modal transportation system over time in Finn Hill.

***Policy FH-14.2: Develop a map where potential street connections could be made.***

In some areas of Finn Hill the street system is underdeveloped, with dead ends, missing street connections, and with pavement and sidewalks that are not to city standards (Figures 7.1, 2, 3 show the existing street classifications, status of sidewalks, pathways and trails). It is important to plan for a street network that allows access for emergency vehicles, general vehicles, pedestrians and bicycles. While circulation through the neighborhood is important, the connections should also minimize impact to neighborhoods when possible. Connections that are required as a result of redevelopment are reviewed for final alignment, location and street improvement standards when the development is submitted to the City for review. When new street connections are not required or not feasible, pedestrian and bicycle connections should still be pursued. Creating a map where the potential street connections provides direction for property owners, developers, and City staff.

*Note: Figure 7.4 street connections map to be inserted at a future time.*

***Policy FH-14.3: Conduct studies to determine the design standards for the following streets:***

- ***Residential streets within the Holmes Point Overlay area***
- ***Holmes Point Drive corridor***
- ***NE 131<sup>st</sup> Way/90<sup>th</sup> Avenue NE corridor***

Finn Hill residents would like the character of the neighborhood to influence the design of pedestrian and street facilities that are built. For example some residents feel sidewalks may not

be appropriate for all areas and that “walking lanes” may be more appropriate for areas of the neighborhood with a more rural character. Developing the design standards for the streets should be created through a public involvement process. The standards should consider alternative designs for streets consistent with the **City’s Complete Streets Ordinance**, such as the type of sidewalks, whether on-street parking is allowed, lighting, vegetation, pedestrian amenities, topographic or critical area constraints, tree retention, neighborhood character, all while providing emergency vehicular access. The presence of physical constraints such as steep topography, critical areas or to retain trees in a particular location may also require modification to city standards for right of way improvements.

***Policy FH-14.4: Minimize direct access to Juanita Drive to enhance safety and efficiency of circulation.***

Because of topographic constraints and speed of vehicular traffic, access to Juanita Drive should be limited. If driveways to Juanita Drive must be provided, they should be separated by at least 300 feet wherever possible. New driveways should be located so that future development can meet this standards and/or use a shared driveway. Access easements to allow for shared access to Juanita Drive and/or interior connections to side streets should be provided. As access to side streets becomes available driveways to Juanita Drive should be closed where possible.





**Figure 7.3: Finn Hill Street Classifications**

***Policy FH-14.5: Discourage regional and bypass traffic in residential neighborhoods.***

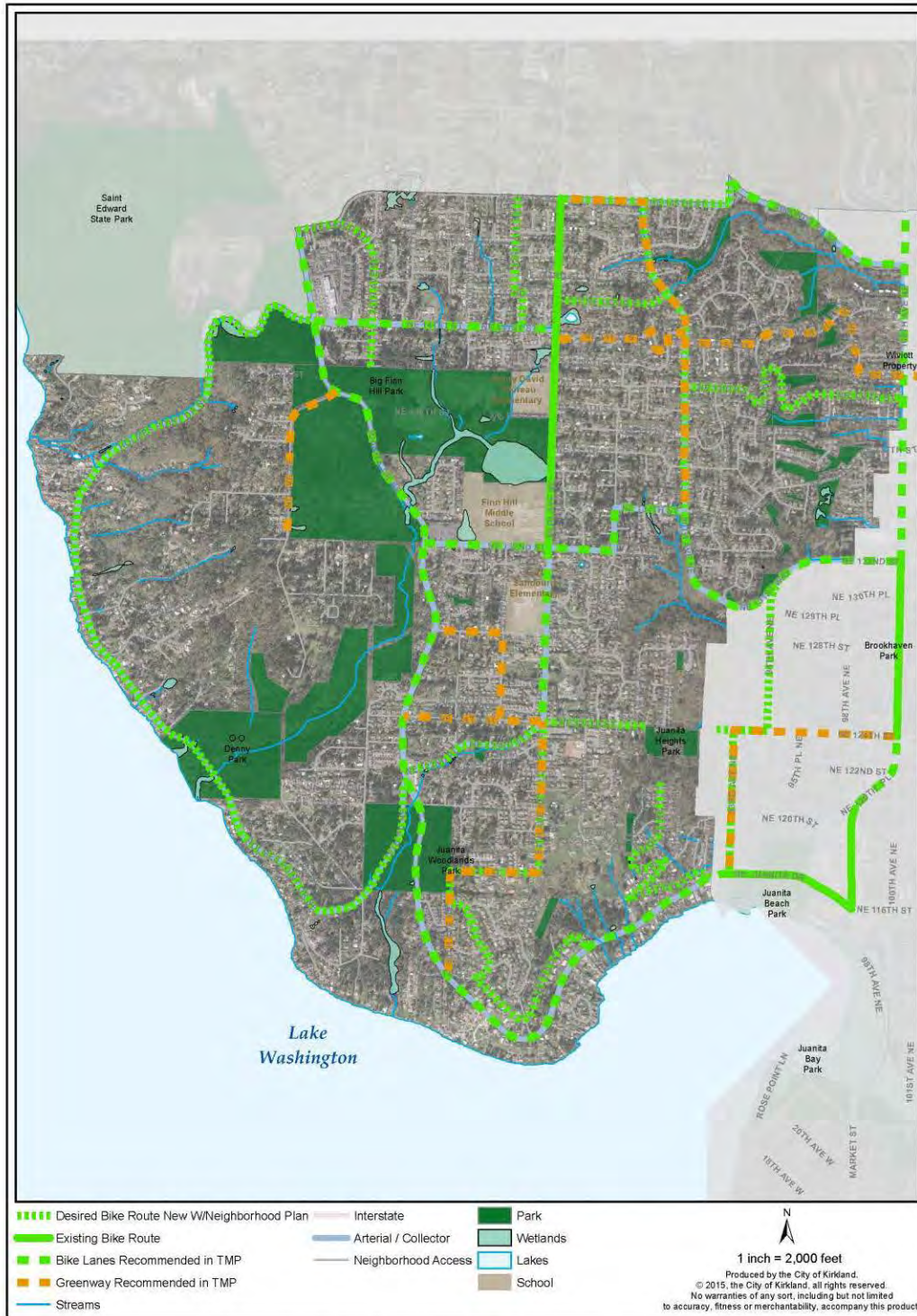
Residents' safety concerns focused on problems with speeding and ensuring that neighborhood streets are safe for multiple forms of transportation. Traffic calming strategies could be developed to discourage regional traffic from using residential neighborhood streets.

***Policy FH-14.6: Minimize cut-through traffic and reduce speeding through residential neighborhoods in coordination with City's Neighborhood Traffic Control program.***

Evaluate traffic patterns and volumes in the neighborhood to minimize cut-through traffic and speeding, in order to support the existing Neighborhood Traffic Control Program.

## **Bicycle Facilities**

Bicycle supportive facilities provide recreational opportunities and alternative transportation options. Desired improvements for bicyclists include providing protected bike facilities on arterials and collector, as well as providing safe crossings on Juanita Drive. Finn Hill residents are interested in bicycle routes that connect to parks and other key destinations within the neighborhood and region (See Figure 7.5).



**Figure 7.5 Finn Hill Priority Bike Routes**

***Goal FH-15: Expand safe and comfortable bicycle connections throughout the neighborhood and to surrounding areas.***

Safety, user friendliness, and connectivity are key concerns that residents have regarding Finn Hill's bicycle routes and facilities. Safe bicycle access within and through the neighborhood is a high priority. Approaches to address safety include creating separated bicycle lanes (including painted buffers and physical separation) and implementing Neighborhood Greenways on residential streets that are connected to bicycle facilities on major arterials. The implementation of these policies can be monitored under the performance measures and action items related to in the Transportation Element of the Comprehensive Plan.

***Policy FH-15.1: Improve bicycle connections to destinations within the neighborhood (parks, transit facilities, schools, and shopping areas) and to trail systems outside of Finn Hill.***

Similar to providing pedestrian trails and sidewalks discussed above, a priority for the neighborhood is to provide a bicycle system to be able to travel throughout the neighborhood to key destinations. Providing safe bicycle and intersection facilities to allow children and parents to travel to and from school reduces vehicle traffic around schools and neighborhood is a high priority.

***Policy FH-15.2: Establish neighborhood greenways throughout the neighborhood.***

Neighborhood Greenways are designated residential streets, generally off main arterials, with low volumes of vehicular traffic and low speeds where people who walk and bike are given priority.

***Policy FH-15.3: Determine the needs of commuter and recreational bike rider groups.***

The Finn Hill residents have identified two different types of bicycle routes and facilities: commuter and recreational bicycle facilities. These facilities may require specific bicycle amenities (e.g. repair stations, directional signs) along existing and proposed routes to support ridership.

Residents would like to improve the connectivity of Finn Hill's bicycle routes within the neighborhood and to the broader trail network. Bicycle facilities should connect to parks and amenities within Finn Hill. Bike facilities should also connect to other regional trail systems outside of Finn Hill (Lake Washington Loop Trail, Burke Gilman, Cross Kirkland Corridor, and Sammamish River Trail). Incorporating the pedestrian and bicycle connections and facility needs for Finn Hill in the Active Transportation Plan is a priority. The City should explore ways to expedite improvements.

***Policy FH-15.4: Explore public pedestrian and bicycle easements across properties to complete the trail system.***



During the development review process, there may be opportunities to acquire public access easements across private property to provide pedestrian and bike trail connections to pedestrian and bicycle networks.

## Transit Service

The Finn Hill neighborhood is served by public transit in the northwest corner via King County Metro bus route 234. Finn Hill residents expressed interest in a more extensive neighborhood transit system (See Figure 7.4). Additional transit options may benefit the community by assisting the aging population, increasing connectivity to transit hubs, and providing alternative transit services for commuters.

The current low density land use and development pattern in the Finn Hill neighborhood makes it difficult to sustain additional fixed-route transit service because the ridership is lower than many other transit routes operated by King County Metro Transit. The City of Kirkland will continue to advocate for better transit solutions for the neighborhood. This includes new approaches to transit that do not rely on fixed bus routes, **such as King County Metro's Neighborhood Connections** program which provides small-scale flexible transit programs.



**Figure 7.4 Finn Hill Existing and Priority Public Transit System**

***Goal FH-16: Prioritize investments in the neighborhood toward increasing Public Transit options.***

Considering the low density land use pattern, the City should support alternative transit options. Pedestrian and bicycle networks linked to neighborhood destinations such as commercial areas, parks and schools support transit use. Providing transit amenities such as frequent service, inviting bus shelters, bus stops in key safe neighborhood activity areas with easy pedestrian access encourage more transit use.

***Policy FH-16.1 Work with transit agencies and other providers to connect transit within Finn Hill's two commercial areas to surrounding transit centers outside the neighborhood.***

The City and King County Metro should prioritize and coordinate infrastructure and needed density to support increased transit service to the two commercial areas in Finn Hill. The commercial areas serve as focal points for the neighborhood providing goods and services, are surrounded by higher density residential housing and nearby parks and located along a major north/south corridor.

***Policy FH-16.2: Explore alternative modes of transportation or research transit service options suitable for lower-density areas of the neighborhood (e.g. shuttles, car shares, vanpools).***

In lower density areas not sufficient to support transit service, alternative modes of transit service, ride shares, or shuttles should be explored to link people together with commercial areas, schools, and parks.

## 8. Public Services and Utilities

Water, sewer, and storm drainage services and facilities are adequate for existing and foreseeable future developments in the Finn Hill Neighborhood. There are segments of the street network system that are not open, paved or not up to City standards. If not included in the Capital Improvement Program, new development is required to install and upgrade water, sewer service and streets as a condition of development and to meet storm water requirements. The goals and policies contained in the Utilities, Capital Facilities and Public Services Chapters of the Comprehensive Plan and Northshore Utility District Comprehensive Plans provide the general framework for these services and facilities.

***Goal FH-17: Provide public and private utility services for the neighborhood.***

***Policy FH-17.1: Provide emergency services (fire and police) to the Finn Hill neighborhood at levels enhanced beyond those provided prior to annexation in 2011.***

The City provides emergency services to fire and medical emergencies, fire prevention, and public education and participates in regional specialized response for hazardous materials, technical rescue and paramedic services.

The City conducted a Standard of Coverage and Deployment Plan and Fire Strategic Plan to evaluate response services for fire suppression, emergency medical services and specialty situations. The study identified the need for a new dual fire station number 24 to serve the northern areas of the City including Finn Hill neighborhood. The new station 24 will be located in the north part of the City and is due to be completed by 2019.

***Policy FH-17.2: Provide potable water, sanitary sewer and surface water management facilities to new and existing development in accordance with the Northshore Utility District Water and Sanitary Sewer Comprehensive Plans, the Kirkland Surface Water Master Plan, Kirkland Municipal Code, and adopted Kirkland Surface Water Design Manual requirements.***

The Northshore Utility District provides water services to the Finn Hill Neighborhood. As a member of the Cascade Water Alliance, both the City of Kirkland and Northshore Utility District purchase their water supply from Seattle Public Utilities who gets it from the Tolt River Watershed, with occasional supply from the Cedar River Watershed.



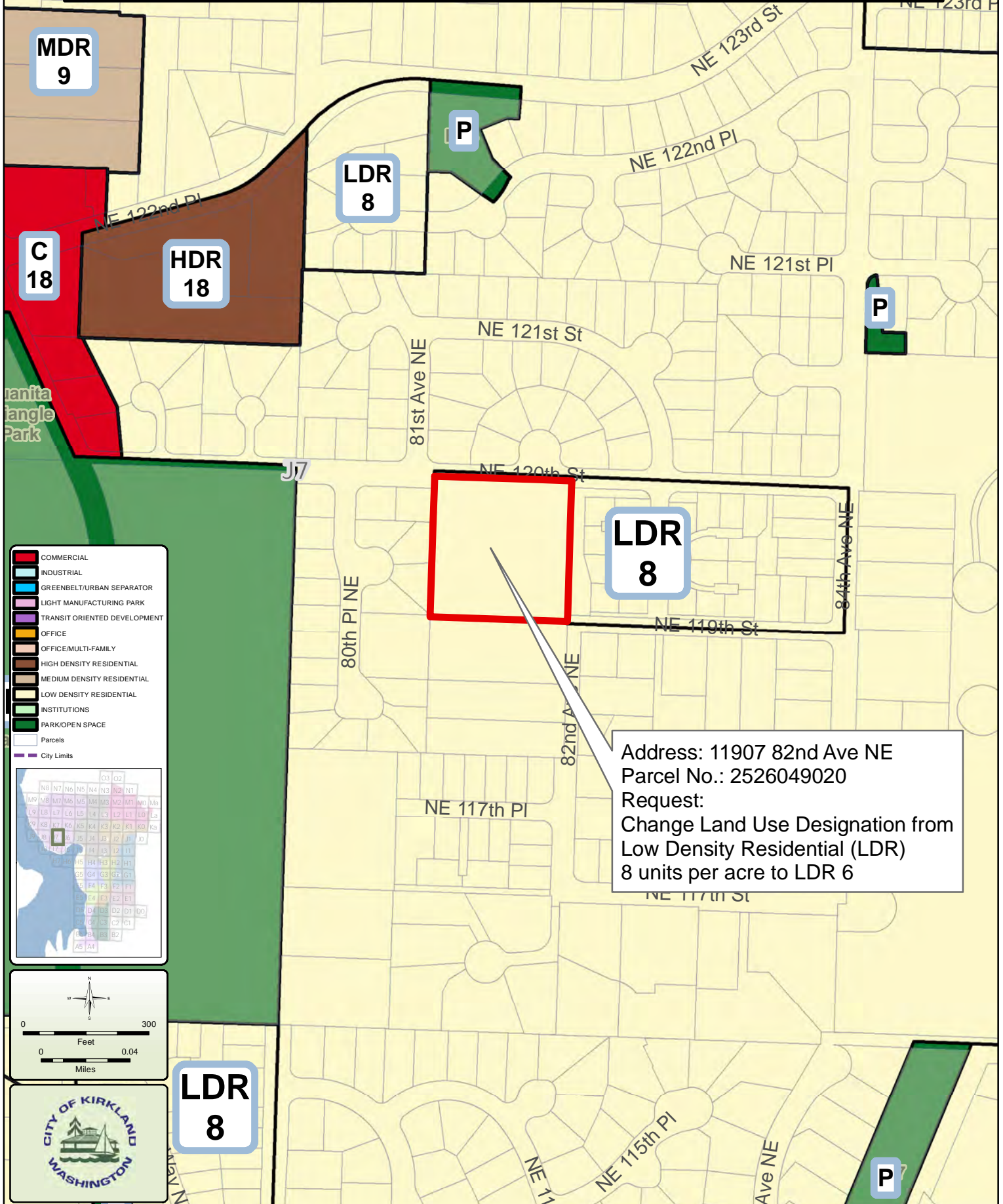
The Northshore Utility District provides sewer service to residents in Finn Hill. See Natural Environment, Section 4. Surface Water for more information on storm water management policies and protection of stream corridors and Lake Washington.

Puget Sound Energy (PSE) provides the Kirkland area with electricity and natural gas.

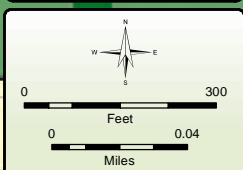
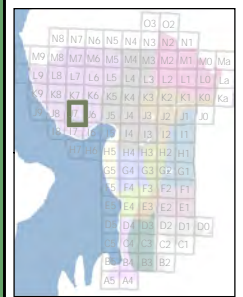
***Policy FH-17.3: Encourage undergrounding of overhead utilities***

Undergrounding overhead utilities is encouraged to improve views and aesthetics of an area by removing visual clutter.

# Finn Hill Neighborhood Plan Land Use Map Change LDR 8 to LDR 6



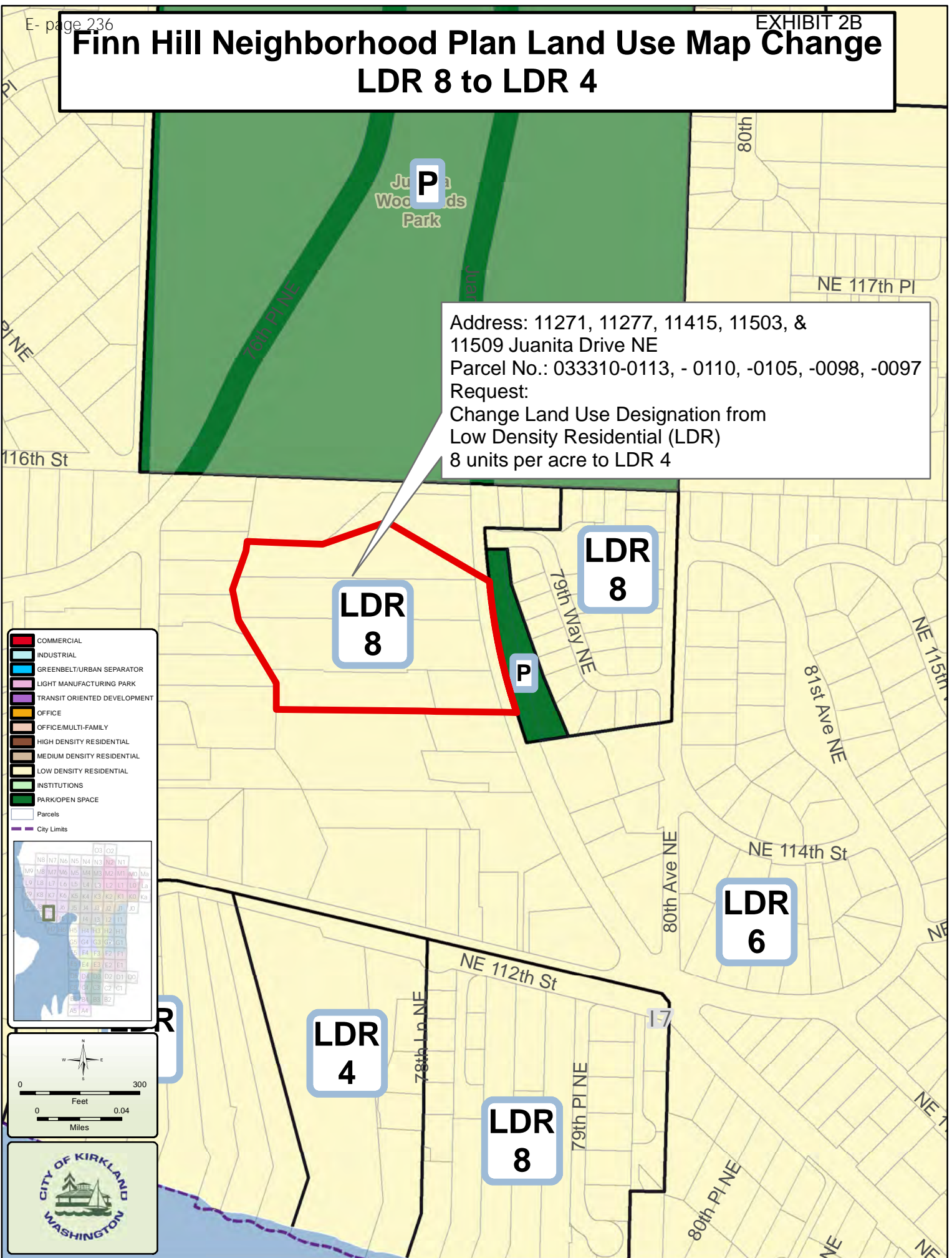
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- INDUSTRIAL
- GREENBELT/URBAN SEPARATOR
- LIGHT MANUFACTURING PARK
- TRANSIT ORIENTED DEVELOPMENT
- OFFICE
- OFFICE/MULTI-FAMILY
- HIGH DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- LOW DENSITY RESIDENTIAL
- INSTITUTIONS
- PARK/OPEN SPACE
- Parcels
- City Limits



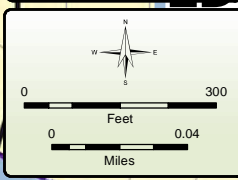
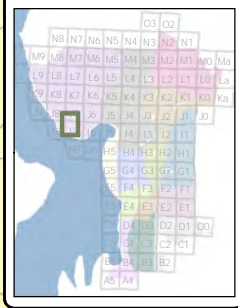
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 Request:  
 Change Land Use Designation from  
 Low Density Residential (LDR)  
 8 units per acre to LDR 6

# Finn Hill Neighborhood Plan Land Use Map Change LDR 8 to LDR 4

Address: 11271, 11277, 11415, 11503, & 11509 Juanita Drive NE  
 Parcel No.: 033310-0113, - 0110, -0105, -0098, -0097  
 Request:  
 Change Land Use Designation from Low Density Residential (LDR) 8 units per acre to LDR 4



- COMMERCIAL
- INDUSTRIAL
- GREENBELT/URBAN SEPARATOR
- LIGHT MANUFACTURING PARK
- TRANSIT ORIENTED DEVELOPMENT
- OFFICE
- OFFICE/MULTI-FAMILY
- HIGH DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- LOW DENSITY RESIDENTIAL
- INSTITUTIONS
- PARK/OPEN SPACE
- Parcels
- City Limits

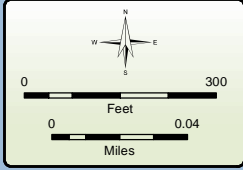
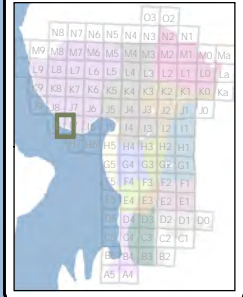




# Finn Hill Neighborhood Plan Land Use Map Change LDR 8 to LDR 4



- COMMERCIAL
- INDUSTRIAL
- GREENBELT/URBAN SEPARATOR
- LIGHT MANUFACTURING PARK
- TRANSIT ORIENTED DEVELOPMENT
- OFFICE
- OFFICE/MULTI-FAMILY
- HIGH DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- LOW DENSITY RESIDENTIAL
- INSTITUTIONS
- PARK/OPEN SPACE
- Parcels
- City Limits



Address: Multiple  
 Parcel No.'s: Multiple  
 Request:  
 Change Land Use Designation from  
 Low Density Residential (LDR)  
 8 units per acre to LDR 4



Exhibit 2c Property Tax ID Numbers for rezone from RSA 8 to RSA 4

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0333100285

0333100290

0333100295

0333100300

0333100301

0333100302

0333100303

3761100355

3761100360

3761100370

# Finn Hill Neighborhood Plan Land Use Map Change LDR 8 to LDR 4



**LDR 8**

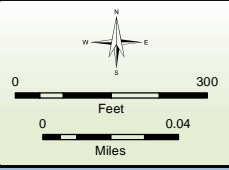
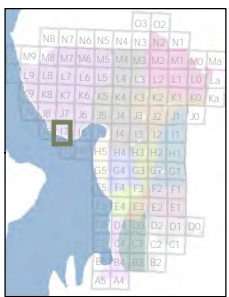
**LDR 4**

**LDR 8**

**LDR 6**

**P**

- COMMERCIAL
- INDUSTRIAL
- GREENBELT/URBAN SEPARATOR
- LIGHT MANUFACTURING PARK
- TRANSIT ORIENTED DEVELOPMENT
- OFFICE
- OFFICE/MULTI-FAMILY
- HIGH DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- LOW DENSITY RESIDENTIAL
- INSTITUTIONS
- PARK/OPEN SPACE
- Parcels
- City Limits



Address: Multiple  
 Parcel No.'s: Multiple  
 Request:  
 Change Land Use Designation from  
 Low Density Residential (LDR)  
 8 units per acre to LDR 4

Exhibit 2d Property Tax ID Numbers for rezone from RSA 8 to RSA 4

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0333100229

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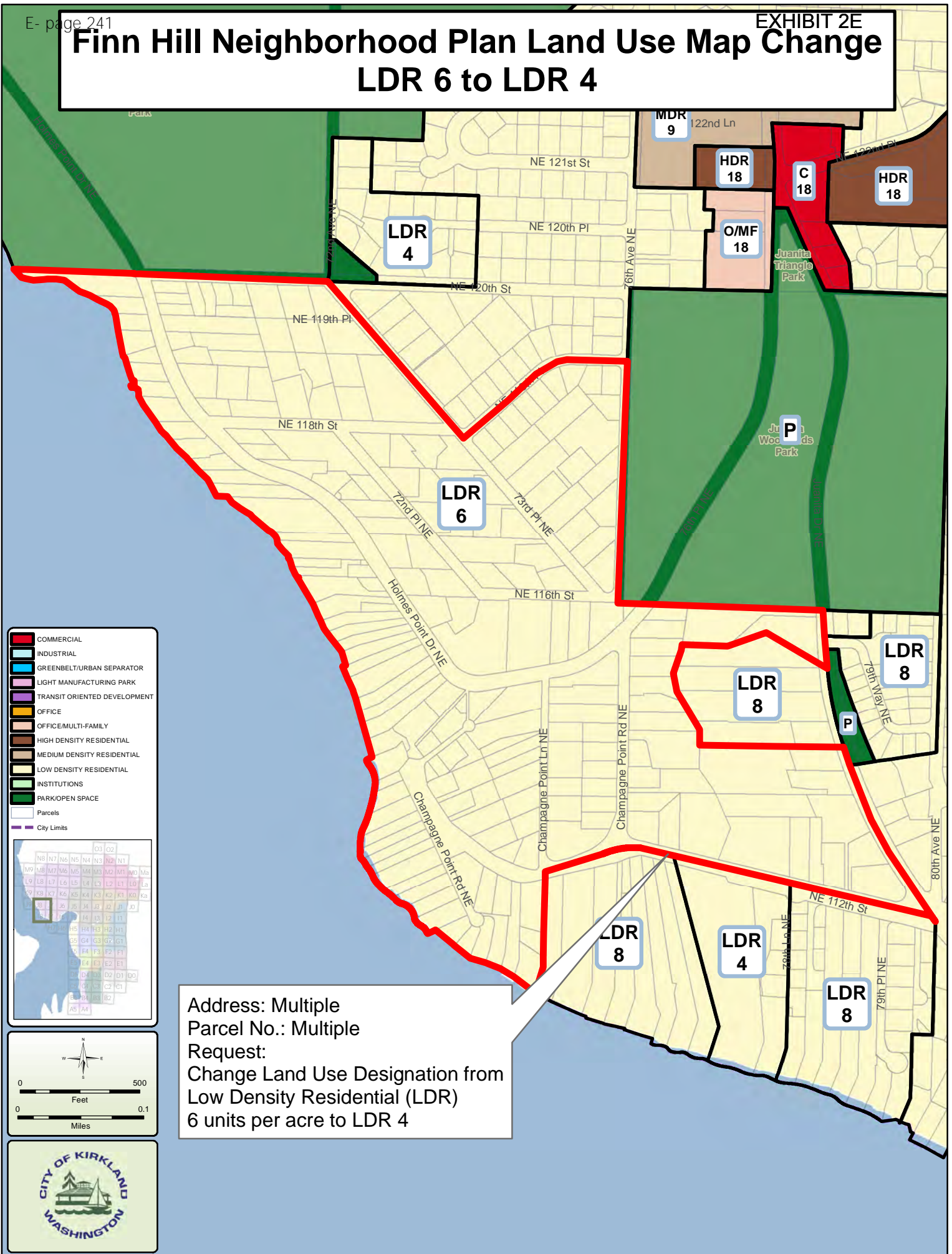
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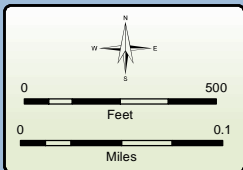
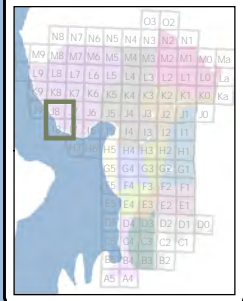
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0333100263

# Finn Hill Neighborhood Plan Land Use Map Change LDR 6 to LDR 4



- COMMERCIAL
- INDUSTRIAL
- GREENBELT/URBAN SEPARATOR
- LIGHT MANUFACTURING PARK
- TRANSIT ORIENTED DEVELOPMENT
- OFFICE
- OFFICE/MULTI-FAMILY
- HIGH DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- LOW DENSITY RESIDENTIAL
- INSTITUTIONS
- PARK/OPEN SPACE
- Parcels
- City Limits



Address: Multiple  
 Parcel No.: Multiple  
 Request:  
 Change Land Use Designation from  
 Low Density Residential (LDR)  
 6 units per acre to LDR 4

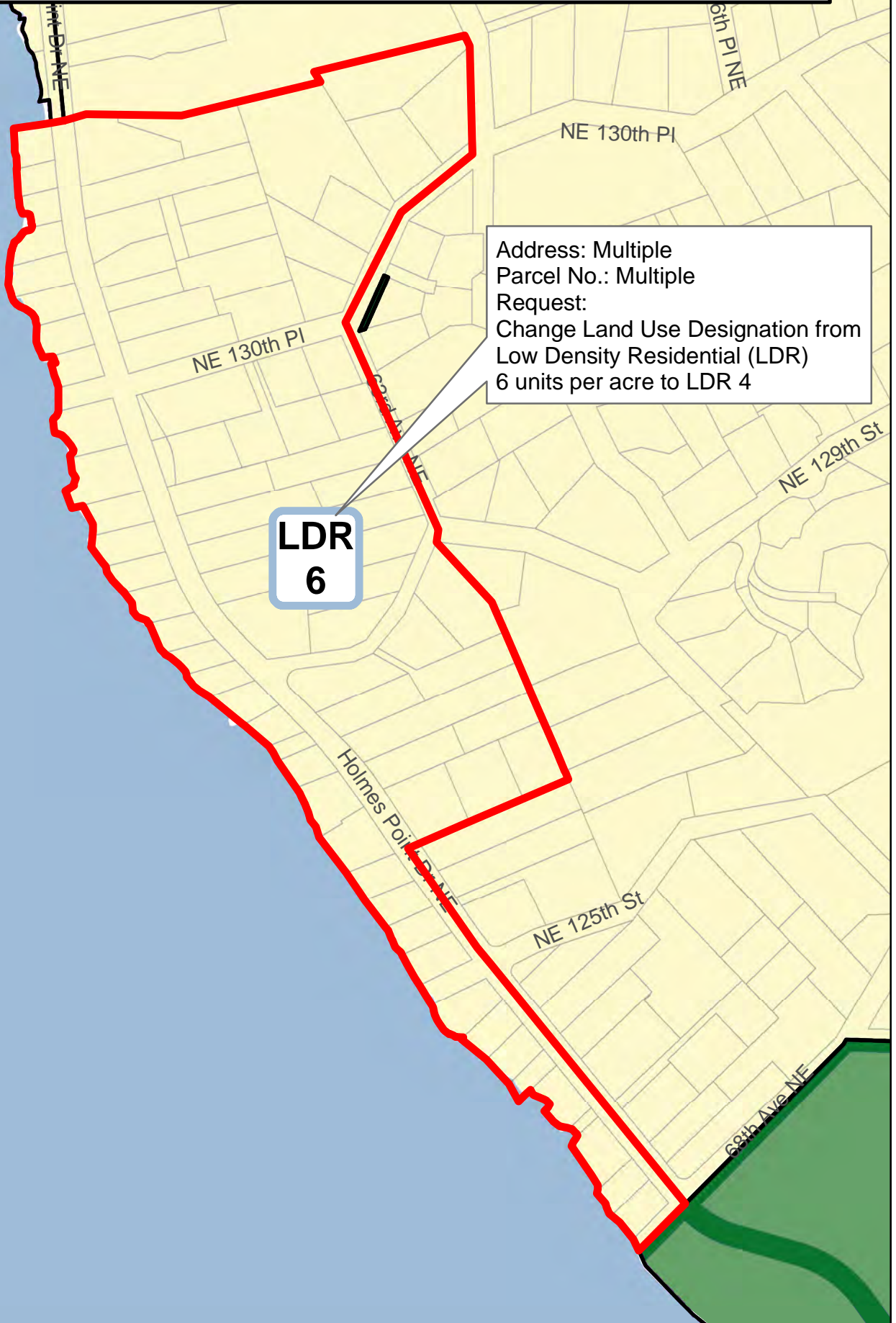


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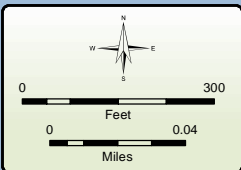
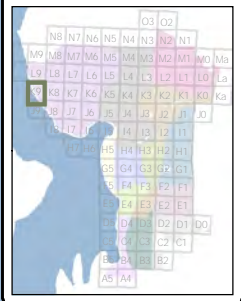
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4055701095	

# Finn Hill Neighborhood Plan Land Use Map Change LDR 6 to LDR 4



**LDR  
6**

- COMMERCIAL
- INDUSTRIAL
- GREENBELT/URBAN SEPARATOR
- LIGHT MANUFACTURING PARK
- TRANSIT ORIENTED DEVELOPMENT
- OFFICE
- OFFICE/MULTI-FAMILY
- HIGH DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- LOW DENSITY RESIDENTIAL
- INSTITUTIONS
- PARK/OPEN SPACE
- Parcels
- City Limits





## Exhibit 2f Property Tax ID numbers for rezones RSA 6 to RSA 4

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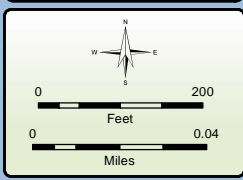
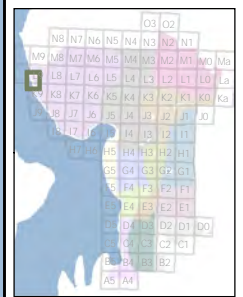
# Finn Hill Neighborhood Plan Land Use Map Change LDR 6 to LDR 4



**LDR  
6**

Address: Multiple  
 Parcel No.: Multiple  
 Request:  
 Change Land Use Designation from  
 Low Density Residential (LDR)  
 6 units per acre to LDR 4

- COMMERCIAL
- INDUSTRIAL
- GREENBELT/URBAN SEPARATOR
- LIGHT MANUFACTURING PARK
- TRANSIT ORIENTED DEVELOPMENT
- OFFICE
- OFFICE/MULTI-FAMILY
- HIGH DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- LOW DENSITY RESIDENTIAL
- INSTITUTIONS
- PARK/OPEN SPACE
- Parcels
- City Limits

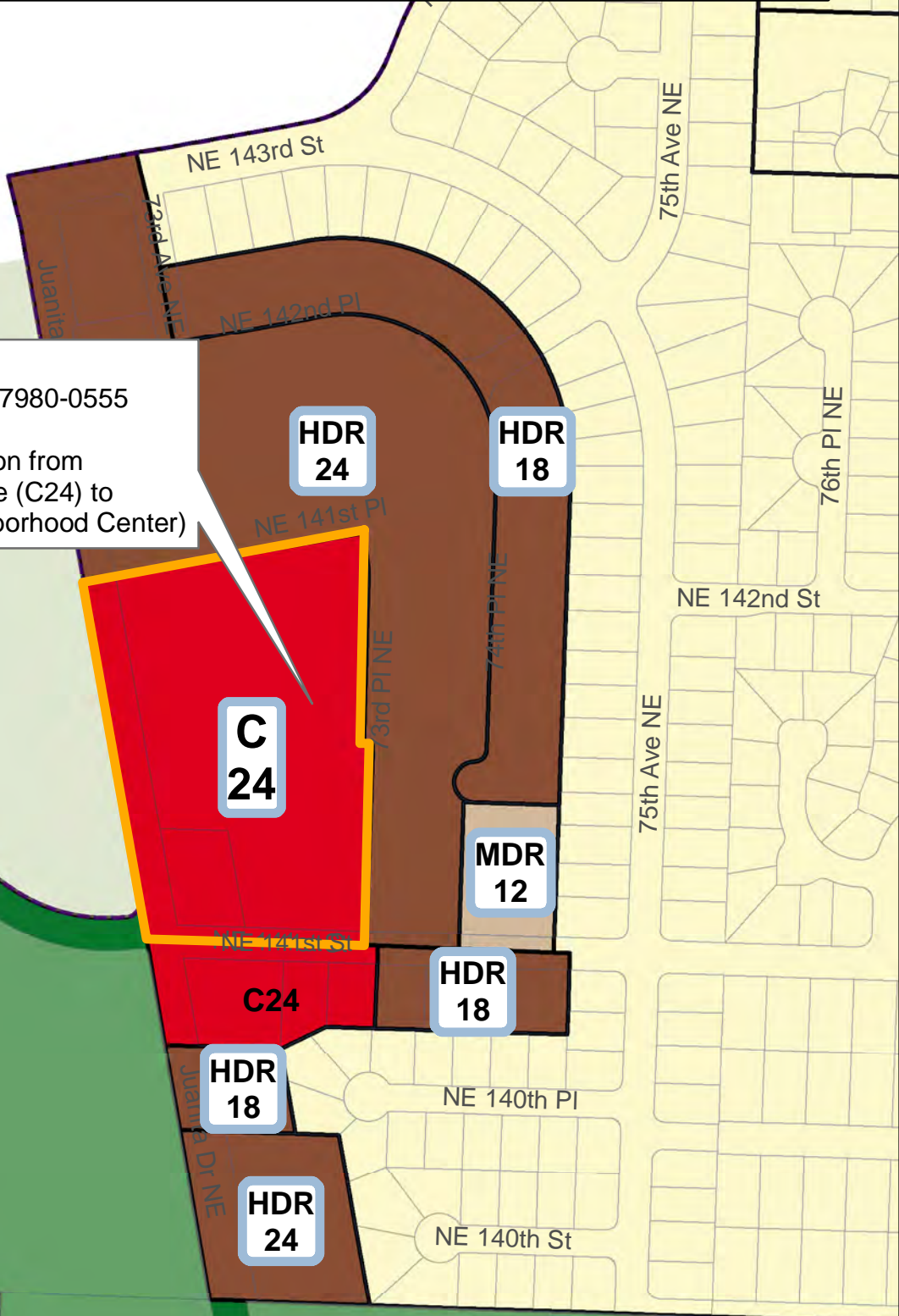


## Exhibit 2g Property Tax ID numbers for rezones RSA 6 to RSA 4

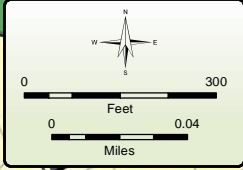
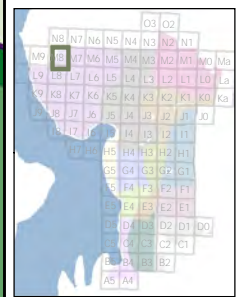
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# Finn Hill Neighborhood Plan Land Use Map Change Commercial 24 to Commercial (FHNC)

Address: Multiple  
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 Request:  
 Change Land Use Designation from  
 Commercial 24 units per Acre (C24) to  
 Commercial (Finn Hill Neighborhood Center)

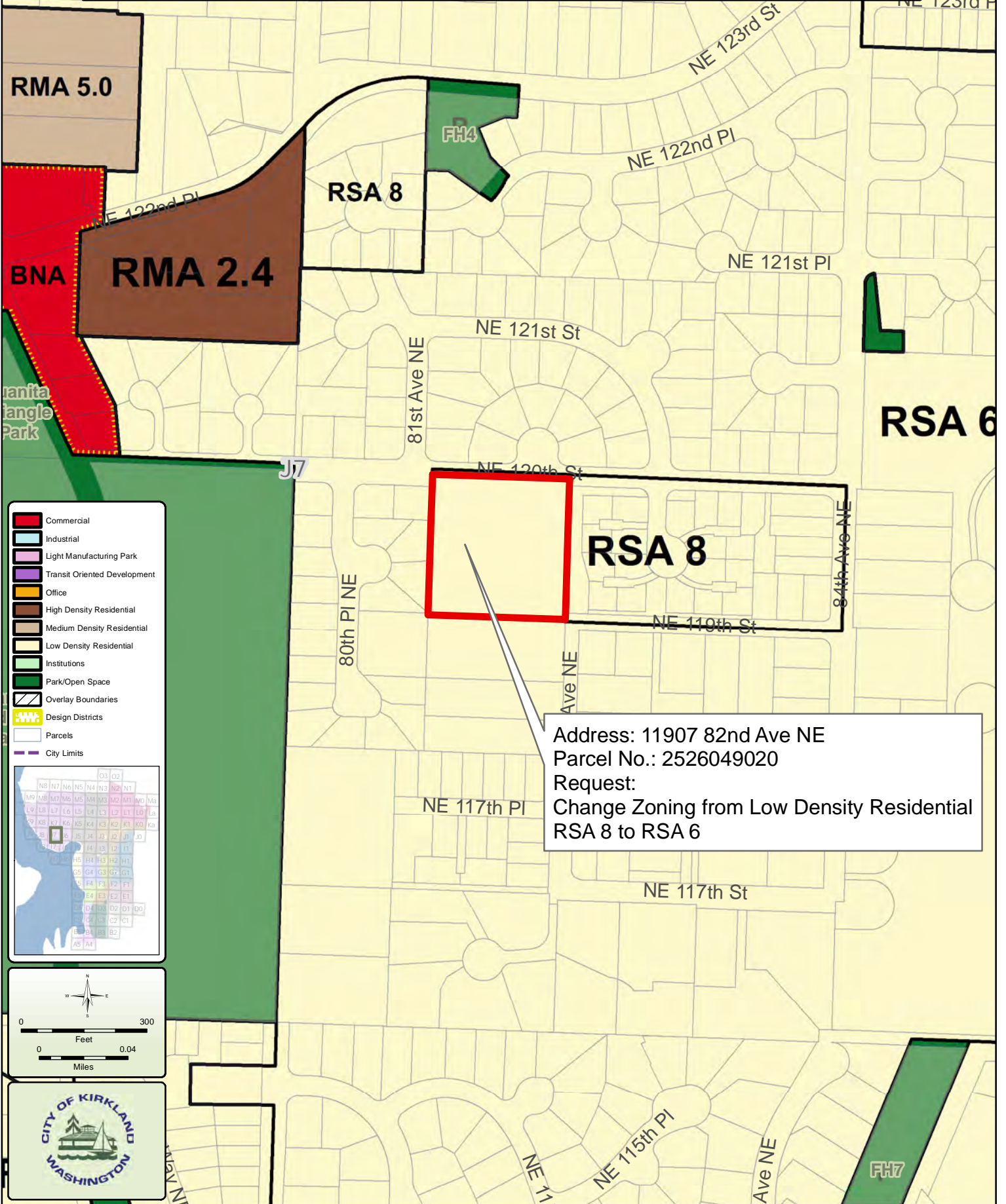


- COMMERCIAL
- INDUSTRIAL
- GREENBELT/URBAN SEPARATOR
- LIGHT MANUFACTURING PARK
- TRANSIT ORIENTED DEVELOPMENT
- OFFICE
- OFFICE/MULTI-FAMILY
- HIGH DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- LOW DENSITY RESIDENTIAL
- INSTITUTIONS
- PARK/OPEN SPACE
- Parcels
- City Limits

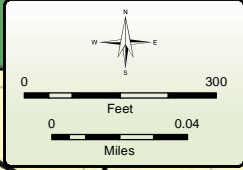
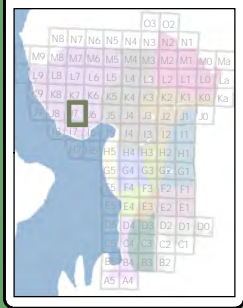




# Finn Hill Neighborhood Plan Zoning Map Change RSA 8 to RSA 6



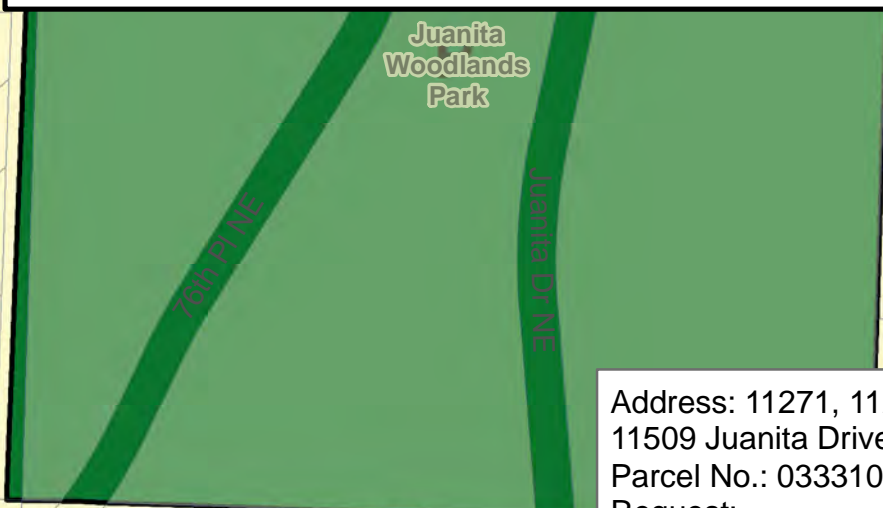
- Commercial
- Industrial
- Light Manufacturing Park
- Transit Oriented Development
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions
- Park/Open Space
- Overlay Boundaries
- Design Districts
- Parcels
- City Limits



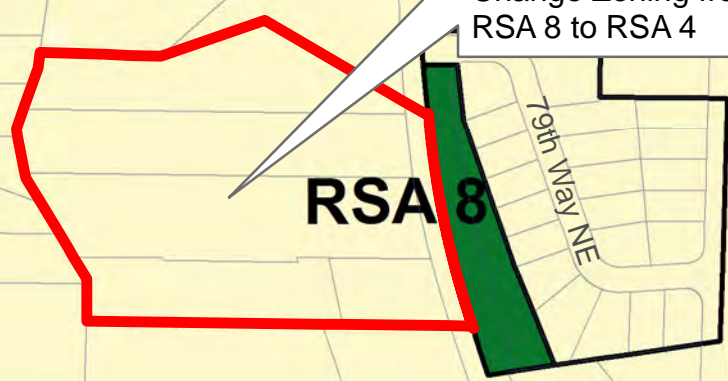
Address: 11907 82nd Ave NE  
 Parcel No.: 2526049020  
 Request:  
 Change Zoning from Low Density Residential  
 RSA 8 to RSA 6



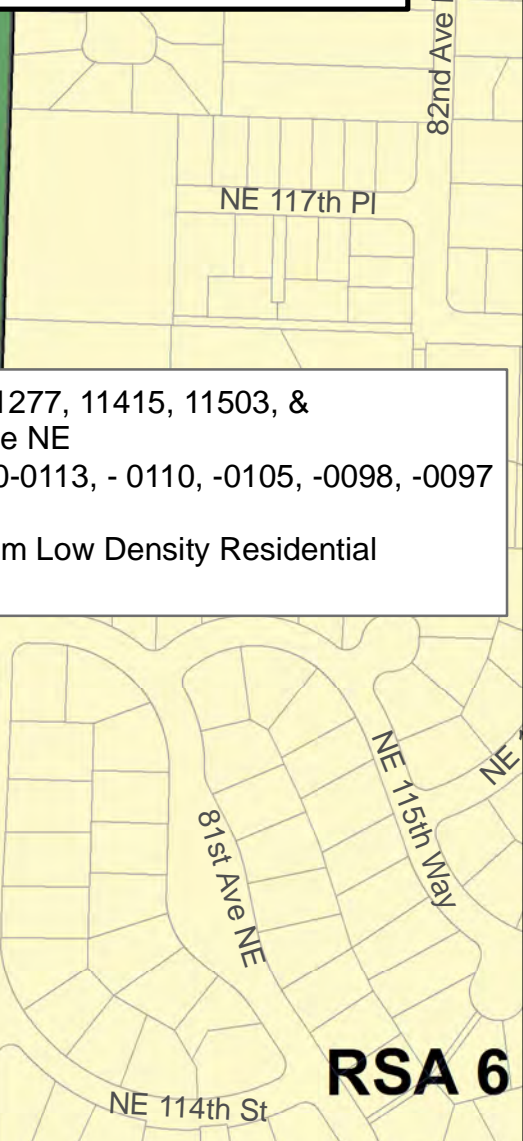
# Finn Hill Neighborhood Plan Zoning Map Change RSA 8 to RSA 4



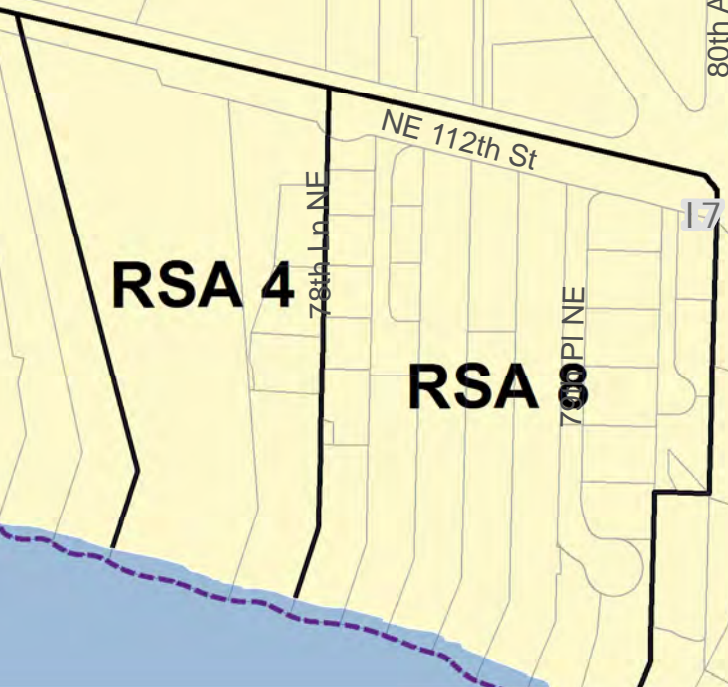
Address: 11271, 11277, 11415, 11503, & 11509 Juanita Drive NE  
Parcel No.: 033310-0113, - 0110, -0105, -0098, -0097  
Request:  
Change Zoning from Low Density Residential RSA 8 to RSA 4



**RSA 8**



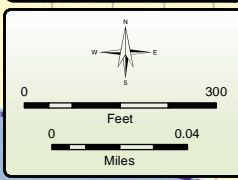
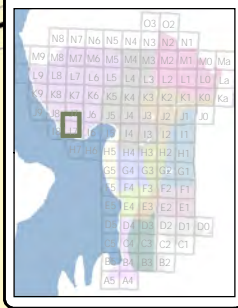
**RSA 6**



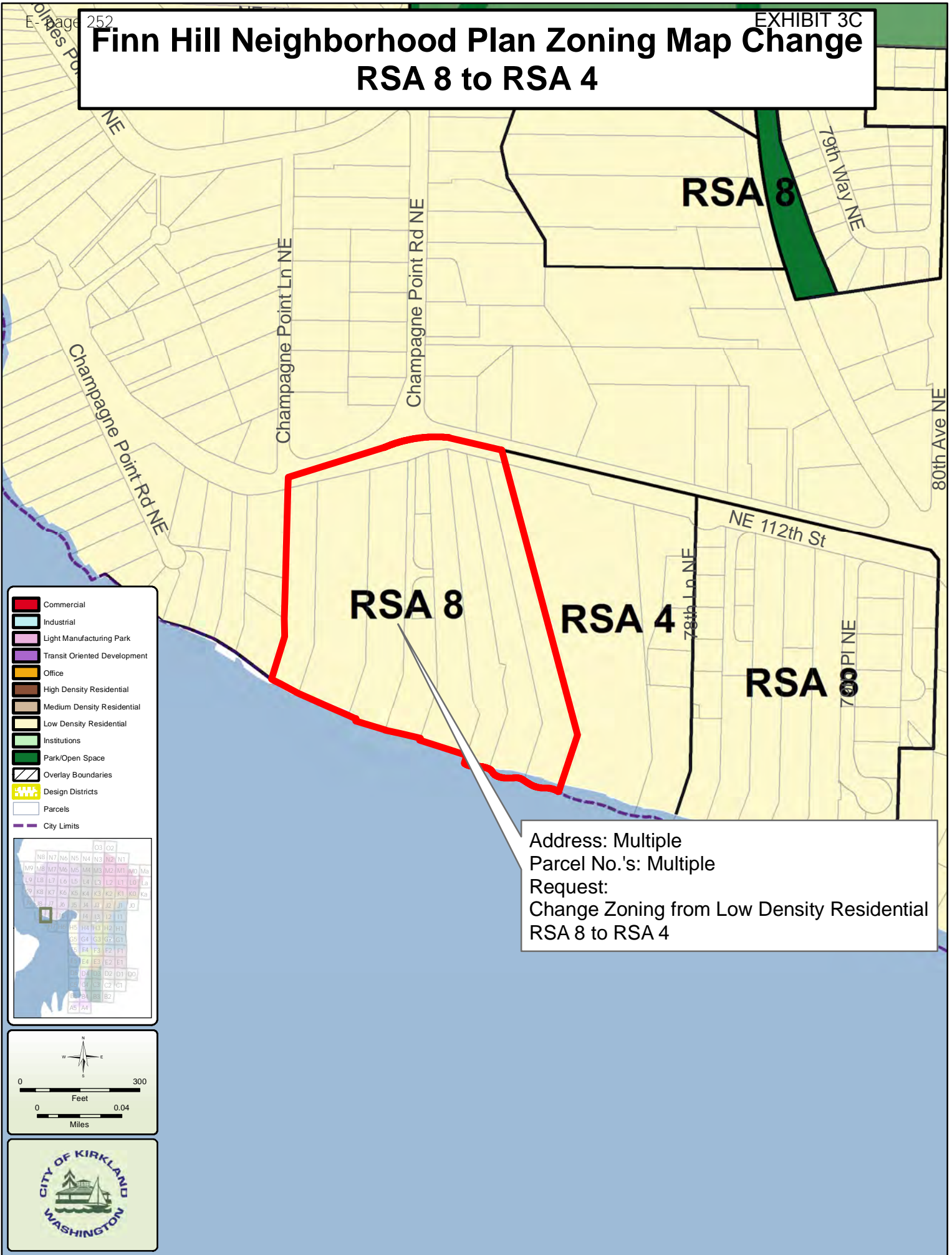
**RSA 4**

**RSA 8**

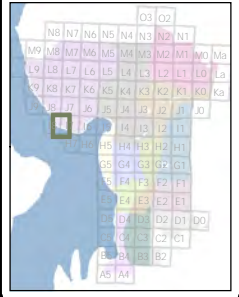
- Commercial
- Industrial
- Light Manufacturing Park
- Transit Oriented Development
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions
- Park/Open Space
- Overlay Boundaries
- Design Districts
- Parcels
- City Limits



# Finn Hill Neighborhood Plan Zoning Map Change RSA 8 to RSA 4



- Commercial
- Industrial
- Light Manufacturing Park
- Transit Oriented Development
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions
- Park/Open Space
- Overlay Boundaries
- Design Districts
- Parcels
- City Limits



Address: Multiple  
 Parcel No.'s: Multiple  
 Request:  
 Change Zoning from Low Density Residential  
 RSA 8 to RSA 4

Exhibit 3c Property Tax ID Numbers for rezone from RSA 8 to RSA 4

0333100280

0333100285

0333100290

0333100295

0333100300

0333100301

0333100302

0333100303

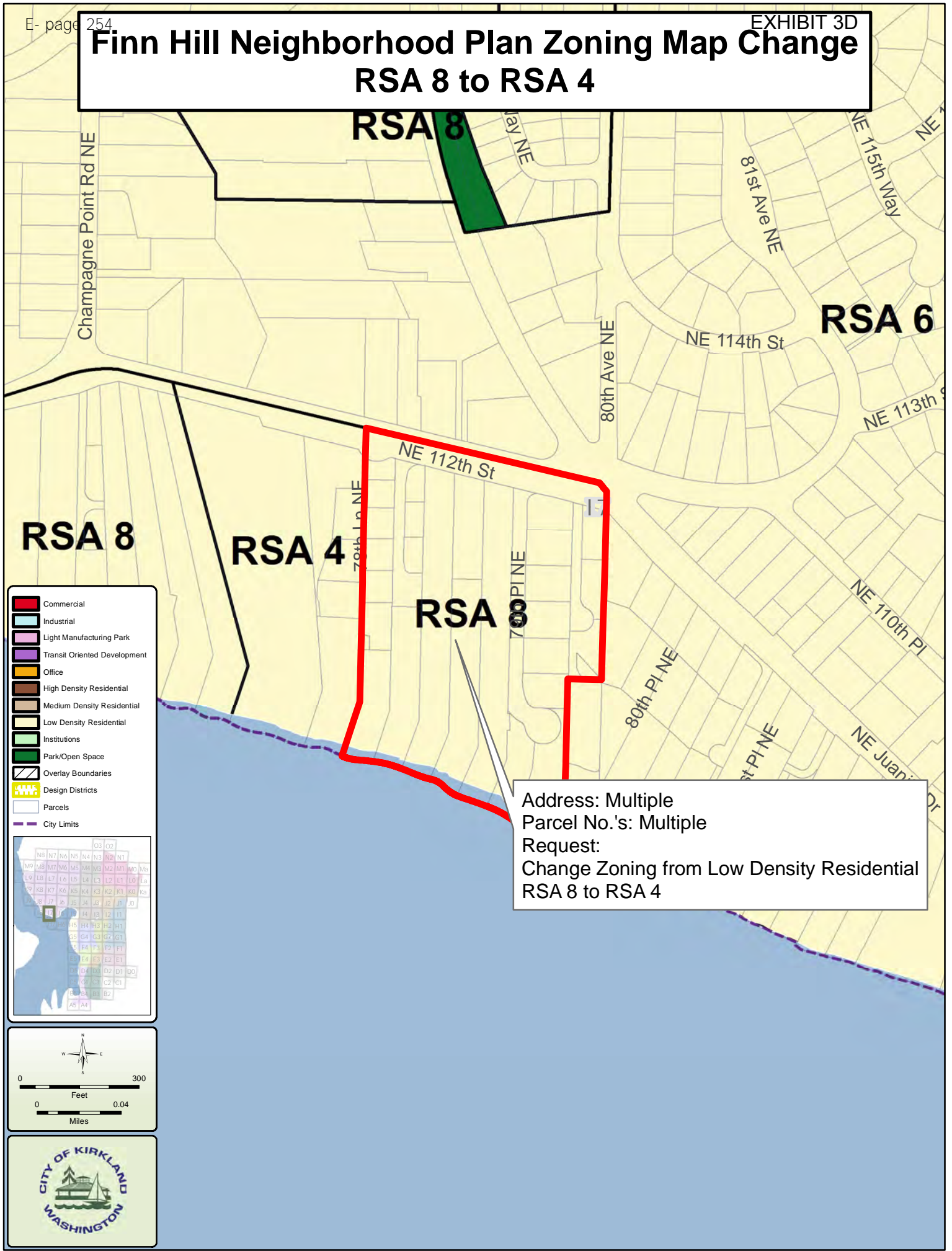
3761100355

3761100360

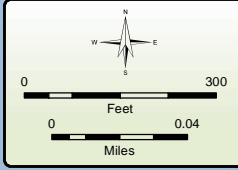
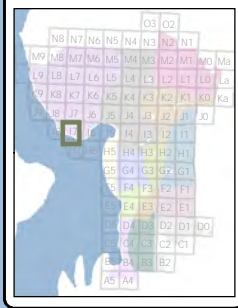
3761100370



# Finn Hill Neighborhood Plan Zoning Map Change RSA 8 to RSA 4



- Commercial
- Industrial
- Light Manufacturing Park
- Transit Oriented Development
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions
- Park/Open Space
- Overlay Boundaries
- Design Districts
- Parcels
- City Limits



Address: Multiple  
 Parcel No.'s: Multiple  
 Request:  
 Change Zoning from Low Density Residential  
 RSA 8 to RSA 4

Exhibit 3d Property Tax ID Numbers for rezone from RSA 8 to RSA 4

0333100223

0333100227

0333100229

0333100230

0333100231

0333100232

0333100233

0333100235

0333100236

0333100237

0333100238

0333100240

0333100245

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0333100258

0333100259

0333100260

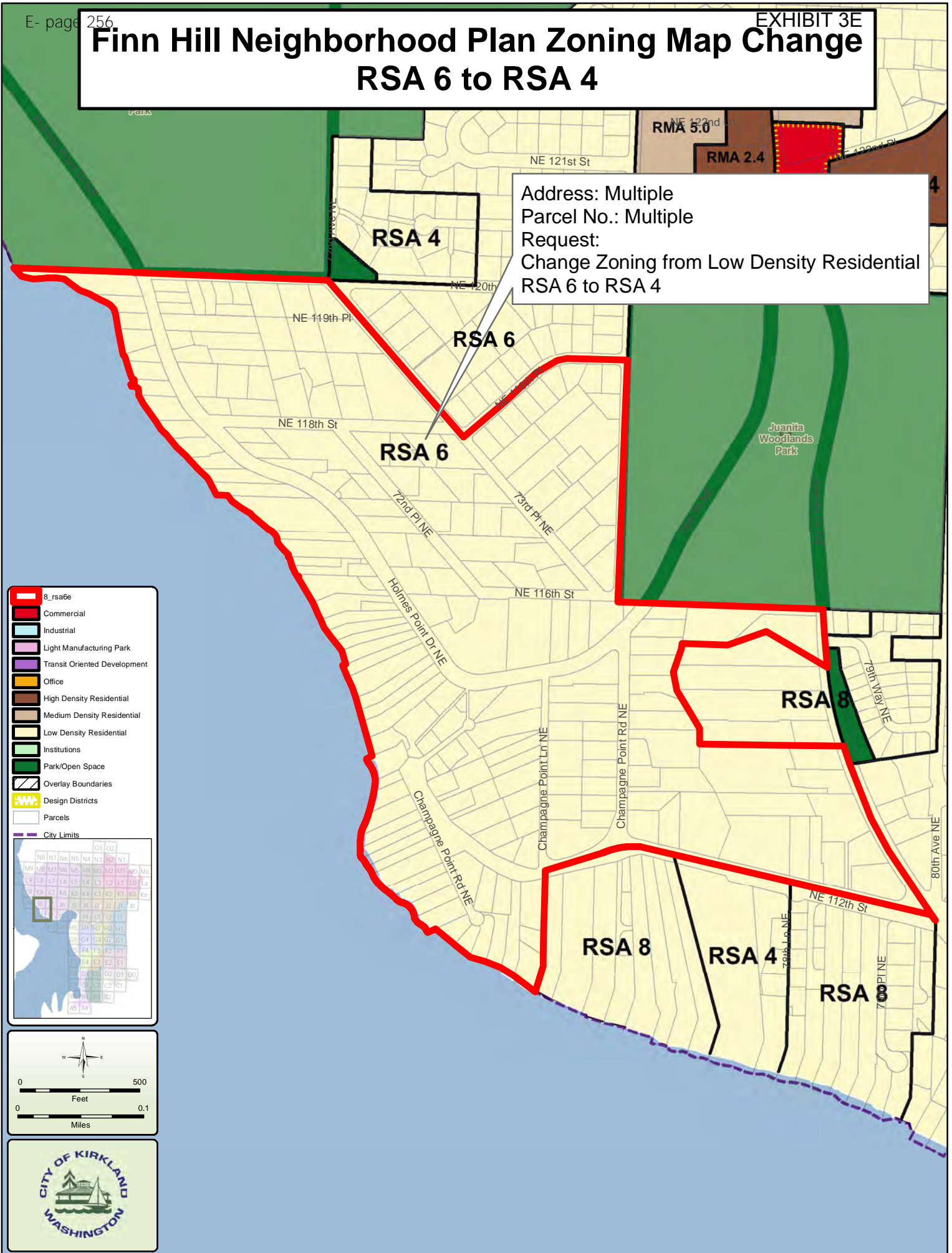
0333100261

0333100262

0333100263

# Finn Hill Neighborhood Plan Zoning Map Change RSA 6 to RSA 4

Address: Multiple  
Parcel No.: Multiple  
Request:  
Change Zoning from Low Density Residential  
RSA 6 to RSA 4



- 8. rsa6e
- Commercial
- Industrial
- Light Manufacturing Park
- Transit Oriented Development
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions
- Park/Open Space
- Overlay Boundaries
- Design Districts
- Parcels
- City Limits

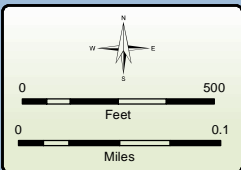
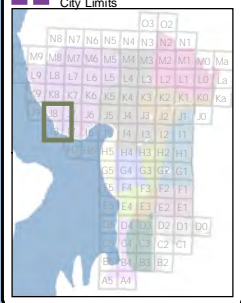


Exhibit 3e Property Tax ID Numbers for rezones from RSA 6 to RSA 4	0333100216	2796700087
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0333100115	1974400030	2796700110
0333100118	1974400040	2796700115
0333100119	1974400050	2796700116
0333100120	1974400060	2796700120
0333100135	1974400070	2796700130
0333100136	1974400080	2796700131
0333100137	1974400090	2796700132
0333100138	2796700010	2796700133
0333100140	2796700014	2796700135
0333100145	2796700024	2796700136
0333100146	2796700030	2796700137
0333100150	2796700040	2796700138
0333100152	2796700045	2796700155
0333100156	2796700055	2796700156
0333100160	2796700056	2796700157
0333100165	2796700070	2796700158
0333100166	2796700076	2796700160
0333100190	2796700077	2796700165
0333100195	2796700078	2796700170
0333100200	2796700079	2796700176
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0333100210	2796700086	3761100015



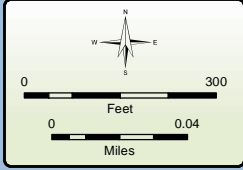
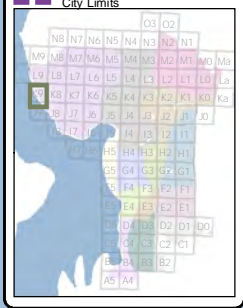
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3761100065	3761100217	3761100325
3761100070	3761100220	3761100330
3761100075	3761100221	3761100340
3761100080	3761100225	3761100341
3761100085	3761100226	3761100342
3761100096	3761100230	3761100350
3761100110	3761100240	3762300005
3761100120	3761100245	3762300010
3761100125	3761100246	3762300015
3761100127	3761100247	3762300025
3761100135	3761100250	3762300040
3761100145	3761100252	3762300045
3761100150	3761100255	3762300055
3761100155	3761100257	3762300060
3761100160	3761100258	3762300085
3761100175	3761100259	3762300100
3761100180	3761100260	3762300105
3761100185	3761100270	4055701000
3761100190	3761100275	4055701001
3761100195	3761100276	4055701002
3761100196	3761100280	4055701004
3761100205	3761100285	4055701010
3761100210	3761100288	4055701011
3761100211	3761100290	4055701012

4055701013	4055701097
4055701015	4055701100
4055701016	4055701105
4055701017	4055701106
4055701018	4055701110
4055701035	4055701111
4055701038	4055701112
4055701039	4055701113
4055701040	4055701440
4055701041	4055701445
4055701042	4055701450
4055701043	4055701455
4055701044	4055701457
4055701045	4055701470
4055701050	4055701476
4055701055	4055701485
4055701056	
4055701060	
4055701061	
4055701065	
4055701066	
4055701067	
4055701075	
4055701080	
4055701085	
4055701087	
4055701090	
4055701092	
4055701095	

# Finn Hill Neighborhood Plan Zoning Map Change RSA 6 to RSA 4



- 9\_rsa6f
- Commercial
- Industrial
- Light Manufacturing Park
- Transit Oriented Development
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions
- Park/Open Space
- Overlay Boundaries
- Design Districts
- Parcels
- City Limits



## Exhibit 3f Property Tax ID numbers for rezones RSA 6 to RSA 4

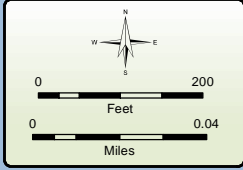
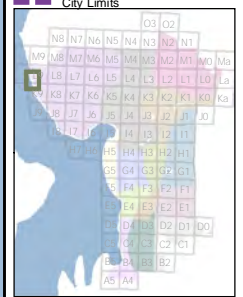
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4055700106	4055700220	4055701280
4055700107	4055700225	4055701285
4055700110	4055700226	4055701287
4055700112	4055700265	4055701305
4055700120	4055700266	4055701310
4055700126	4055700267	4055701315
4055700131	4055700285	4055701325
4055700135	4055700286	4055701335
4055700136	4055700290	4055701345
4055700140	4055700295	4055701355
4055700141	4055700296	4055701360
4055700145	4055700300	4055701365
4055700151	4055700301	4055701370
4055700155	4055700302	4055701375
4055700160	4055701185	4055701380
4055700161	4055701186	4055701385
4055700162	4055701195	4055701394
4055700163	4055701200	4055701405
4055700164	4055701205	4055701408
4055700166	4055701210	4055701420
4055700167	4055701220	4055701425
4055700175	4055701225	
4055700176	4055701230	
4055700180	4055701240	



# Finn Hill Neighborhood Plan Zoning Map Change RSA 6 to RSA 4



- 10\_rsa6g
- Commercial
- Industrial
- Light Manufacturing Park
- Transit Oriented Development
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions
- Park/Open Space
- Overlay Boundaries
- Design Districts
- Parcels
- City Limits



## Exhibit 3g Property Tax ID numbers for rezones RSA 6 to RSA 4

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3761700040	3761700096	
3761700045	3761700100	
3761700050	3761700105	
3761700053	3761700110	
3761700054	3761700111	
3761700055	3761700112	
3761700058	3761700115	
3761700059	3761700116	
3761700060	3761700117	
3761700061	3761700248	
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3761700068	3761700251	
3761700069	3761700252	
3761700071	3761700253	
3761700072	4055700035	
3761700073	4055700045	
3761700075	4055700150	
3761700077	4055701120	
3761700080	4055701125	
3761700081	4055701127	
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3761700085	4055701145	








# Finn Hill Neighborhood Plan Zoning Map Change RSA 6 to RSA 8

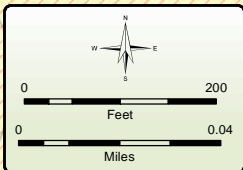
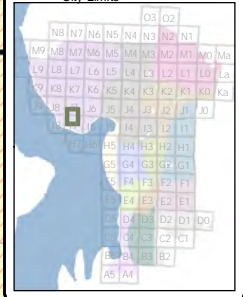
Woodlands Park

Juanita Dr NE

NE 117th Pl

Address: 11501 80th Ave NE  
Parcel No.: 0333100012  
Request:  
Change Zoning from Low Density Residential  
RSA 6 to RSA 8

-  Commercial
-  Industrial
-  Light Manufacturing Park
-  Transit Oriented Development
-  Office
-  High Density Residential
-  Medium Density Residential
-  Low Density Residential
-  Institutions
-  Park/Open Space
-  Holmes Point Overlay
-  Overlay Boundaries
-  Design Districts
-  Parcels
-  City Limits



# RSA 8

# RSA 6

# RSA

79th Way NE

80th Ave NE

NE 114th Pl

NE 115th Way

81st Ave NE

NE 115th Ct

NE 115th Way

Juanita Dr NE

NE 114th St















81st Ave NE

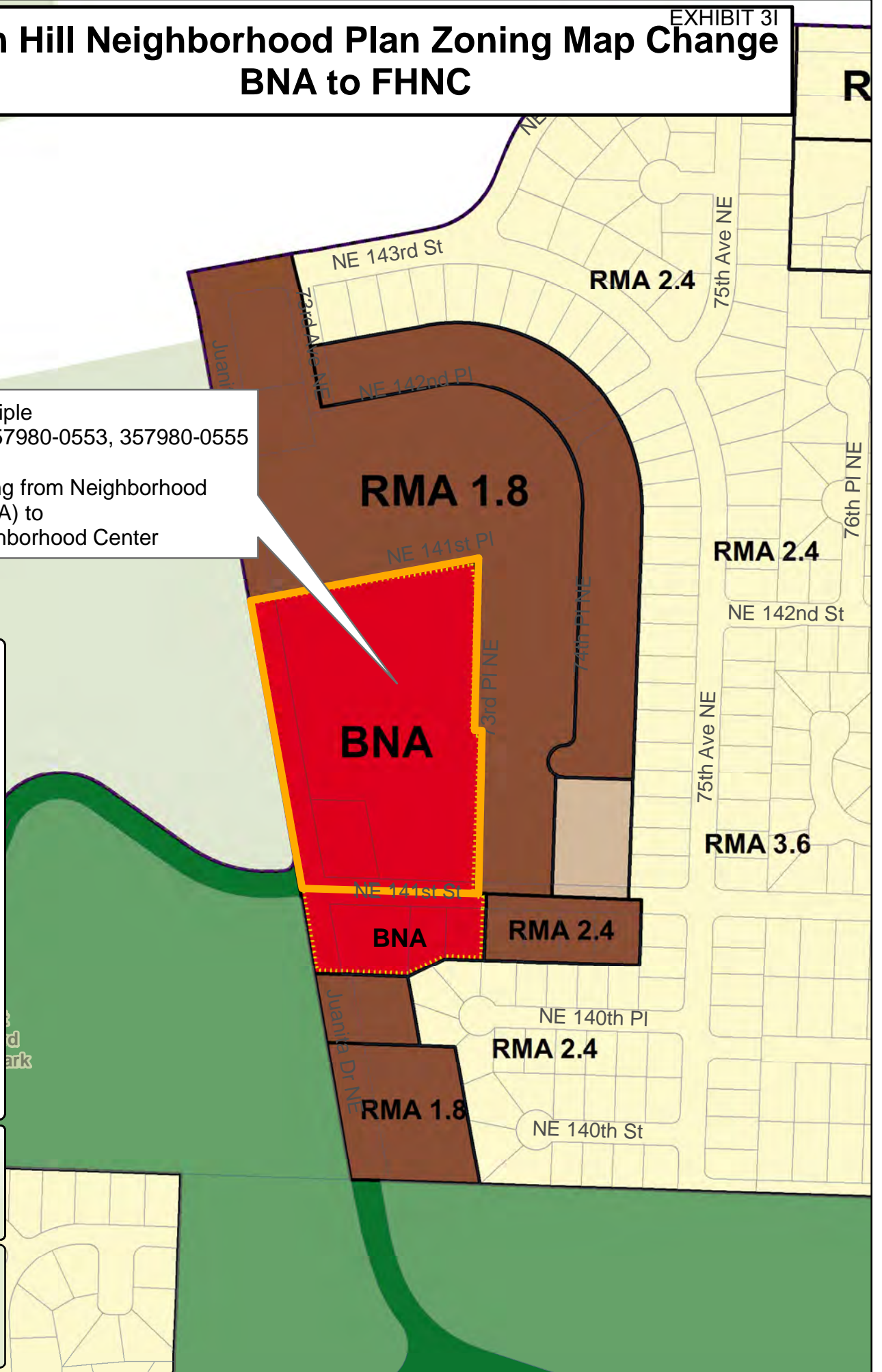
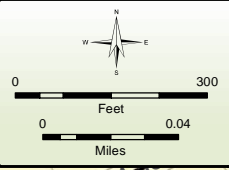
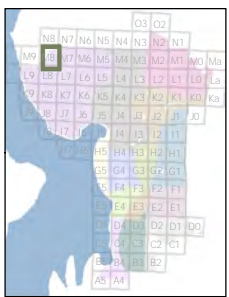
NE 114th St



# Finn Hill Neighborhood Plan Zoning Map Change BNA to FHNC

Address: Multiple  
 Parcel No.: 357980-0553, 357980-0555  
 Request:  
 Change Zoning from Neighborhood  
 Business (BNA) to  
 Finn Hill Neighborhood Center

-  Commercial
-  Industrial
-  Light Manufacturing Park
-  Transit Oriented Development
-  Office
-  High Density Residential
-  Medium Density Residential
-  Low Density Residential
-  Institutions
-  Park/Open Space
-  Overlay Boundaries
-  Design Districts
-  Parcels
-  City Limits





## Zoning Code amendments to Sections 5.10.145 and 10.25

### KZC 5.10. 145 Commercial Zones

The following zones: BN; BNA; BC; BC 1; BC 2; BCX; CBD; FHNC; JBD 1; JBD 2; JBD 4; JBD 5; JBD 6; MSC 2; MSC 3; NRH 1A; NRH 1B; NRH 4; RH 1A; RH 1B; RH 2A; RH 2B; RH 2C; RH 3; RH 5A; RH 5B; RH 5C; RH 7; TL 2; TL 4A; TL 4B; TL 4C; TL 5; TL 6A; TL 6B; TL 8; YBD 2; YBD 3.

### 10.25 Zoning Categories Adopted

The City is divided into the following zoning categories:

Zoning Category	Symbol
1. Single-Family <u>Residential Zones</u>	RS, RSA and RSX (followed by a designation indicating minimum <u>lot size</u> per <u>dwelling unit</u> or units per acre)
2. Multifamily <u>Residential Zones</u>	RM and RMA (followed by a designation indicating minimum <u>lot size</u> per <u>dwelling unit</u> )
3. Professional Office/Residential Zones	PR and PRA (followed by a designation indicating minimum <u>lot size</u> per <u>dwelling unit</u> )
4. Professional <u>Office Zones</u>	PO
5. Waterfront Districts	WD (followed by a designation indicating which Waterfront District)
6. Yarrow Bay Business District	YBD (followed by a designation indicating which sub-zone within the Yarrow Bay Business District)
7. Neighborhood Business	BN and BNA
8. Community Business	BC, BC 1, BC 2 and BCX
9. Central Business District	CBD (followed by a designation indicating which sub-zone within the Central Business District)
10. Juanita Business District	JBD (followed by a designation indicating which sub-zone within the Juanita Business District)
11. Market Street Corridor	MSC (followed by a designation indicating which sub-zone within the Market Street Corridor)

<b>Zoning Category</b>	<b>Symbol</b>
12. North Rose Hill Business District	NRH (followed by a designation indicating which sub-zone within the North Rose Hill Business District)
13. Rose Hill Business District	RH (followed by a designation indicating which sub-zone within the Rose Hill Business District)
14. Business District Core (BDC) and Totem Lake Business District (TLBD)	TL (followed by a designation indicating which sub-zone within Business District Core (BDC) or the Totem Lake Business District)
15. Light <u>Industrial Zones</u> Planned Areas	LIT, TL 7B PLA (followed by a designation indicating which Planned Area, and in some cases, which sub-zone within a Planned Area)
16.	
17. Park/Public <u>Use Zones</u>	P
<u>Finn Hill Neighborhood Center</u>	<u>FHNC</u>

## CHAPTER 35 – COMMERCIAL ZONES (BN, BNA, FHNC, BC, BC 1, BC 2, BCX)

### Sections:

35.05	User Guide
	35.05.010 Applicable Zones
	35.05.020 Common Code References
35.10	General Regulations
	35.10.010 All Commercial Zones
	35.10.020 BN, BNA Zones
	35.10.030 BC, BC 1, BC 2 Zones
	35.10.040 BCX Zones
	<u>35.10.050 FHNC Zone</u>
35.20	Permitted Uses
35.30	Density/Dimensions
35.40	Development Standards

### **.05 User Guide**

Step 1. Check that the zone of interest is included in KZC 35.05.010, Applicable Zones. If not, select the chapter where it is located.

Step 2. Refer to KZC 35.05.020, Common Code References, for relevant information found elsewhere in the code.

Step 3. Refer to the General Regulations in KZC 35.10 that apply to the zones as noted.

Step 4. Find the Use of interest in the Permitted Uses Table in KZC 35.20 and read across to the column pertaining to the zone of interest. If a Use is not listed in the table, it is not allowed. A listed use is permitted unless “NP” (Not Permitted) is noted for the table. Note the Required Review Process and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (PU-1, PU-2, PU-3, etc.).

Step 5. Find the Use of interest in the Density/Dimensions Table in KZC 35.30 and read across the columns. Note the standards (Minimum Lot Size, Required Yards, Maximum Lot Coverage, and Maximum Height of Structure) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DD-1, DD-2, DD-3, etc.).

Step 6. Find the Use of interest in the Development Standards Table in KZC 35.40 and read across the columns. Note the standards (Landscape Category, Sign Category, and Required Parking Spaces) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DS-1, DS-2, DS-3, etc.).

*Note: Not all uses listed in the Density/Dimensions and Development Standards Tables are permitted in each zone addressed in this chapter. Permitted uses are determined only by the Permitted Uses Table.*

### **35.05.010 Applicable Zones**

This chapter contains the regulations for uses in the commercial zones (BN, BNA, BC, BC 1, BC 2, BCX, FHNC) of the City.

### **35.05.020 Common Code References**

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Public park development standards will be determined on a case-by-case basis. See KZC 45.50.
3. Review processes, density/dimensions and development standards for shoreline uses can be found in Chapter 83 KZC, Shoreline Management.
4. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with Assisted Living Facility, Attached or Stacked Dwelling Units, and Stacked Dwelling Unit uses.

6. Development adjoining the Cross Kirkland Corridor or Eastside Rail Corridor shall comply with the standards of KZC 115.24.
7. Structures located within 30 feet of a parcel in a low density zone or a low density use in PLA 17 shall comply with additional limitations on structure size established by KZC 115.136.

(Ord. 4476 § 2, 2015)

## **.10 General Regulations**

### **35.10.010 All Commercial Zones**

The following regulations apply to all uses in these zones unless otherwise noted:

1. Surface parking areas shall not be located between the street and building unless no feasible alternative exists. Parking areas located to the side of the building are allowed; provided, that the parking area and vehicular access occupies less than 30 percent of the property frontage and design techniques adequately minimize the visibility of the parking.

### **35.10.020 BN, BNA Zones**

1. The following commercial frontage requirements shall apply to all development that includes dwelling units or assisted living uses:

- a. The street level floor of all buildings shall be limited to one or more of the following uses, except as allowed in subsection c. below: Retail; Restaurant or Tavern; Entertainment, Cultural and/or Recreational Facility; or Office. These uses shall be oriented toward fronting arterial and collector streets and have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building along the street).

The Design Review Board (or Planning Director if not subject to DR) may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the commercial frontage will maximize visual interest. The Design Review Board (or Planning Director if not subject to DR) may modify the frontage requirement where the property abuts residential zones in order to create a more effective transition between uses.

- b. The commercial floor shall be a minimum of 13 feet in height. In the BN zone, the height of the structure may exceed the maximum height of structure by three feet for a three-story building with the required 13-foot commercial floor.

- c. Other uses allowed in this zone and parking shall not be located on the street level floor unless an intervening commercial frontage is provided between the street and those other uses or parking subject to the standards above. Lobbies for residential or assisted living uses may be allowed within the commercial frontage provided they do not exceed 20 percent of the building's linear commercial frontage along the street.

2. Where Landscape Category B is specified, the width of the required landscape strip shall be 10 feet for properties within the Moss Bay neighborhood and 20 feet for properties within the South Rose Hill neighborhood. All other provisions of Chapter 95 KZC shall apply.

3. In the BNA zone, developments may elect to provide affordable housing units as defined in Chapter 5 KZC subject to the voluntary use provisions of Chapter 112 KZC.

### **35.10.030 BC, BC 1, BC 2 Zones**

1. In the BC zone, at least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway.

2. In the BC 1 and BC 2 zones, the following requirements shall apply to all development that includes residential or assisted living uses:



- a. The development must include commercial use(s) with gross floor area on the ground floor equal to or greater than 25 percent of the parcel size for the subject property. Commercial floor area shall be one or more of the following uses: Retail; Restaurant or Tavern; Entertainment, Cultural and/or Recreational Facility; or Office.
  - b. The commercial floor shall be a minimum of 13 feet in height.
  - c. Commercial uses shall be oriented to adjoining arterials.
  - d. Residential uses, assisted living uses, and parking for those uses shall not be located on the street level floor unless an intervening commercial frontage is provided between the street and those other uses or parking subject to the standards above. The intervening commercial frontage shall be a minimum of 20 feet in depth. The Planning Director may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the commercial frontage will maximize visual interest. Lobbies for residential or assisted living uses may be allowed within the commercial frontage provided they do not exceed 20 percent of the building's linear commercial frontage along the street.
3. In BC 1 and BC 2 zones, developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. See Chapter 112 KZC for additional affordable housing incentives and requirements.
  4. In the BC 1 and BC 2 zones, side and rear yards abutting a residential zone shall be 20 feet.
  5. In the BC 1 and BC 2 zones, all required yards for any portion of a structure must be increased one foot for each foot that any portion of the structure exceeds 35 feet above average building elevation (does not apply to Public Park uses).
  6. Maximum height of structure is as follows:
    - a. In the BC zone, if adjoining a low density zone other than RSX, then 25 feet above average building elevation. Otherwise, 30 feet above average building elevation.
    - b. In the BC 1 zone, 35 feet above average building elevation.
    - c. In the BC 2 zone, 35 feet above average building elevation. Structure height may be increased to 60 feet in height if:
      - 1) At least 50 percent of the floor area is residential;
      - 2) Parking is located away from the street by placing it behind buildings, to the side of buildings, or in a parking structure;
      - 3) The ground floor is a minimum 15 feet in height for all retail, restaurant, or office uses (except parking garages); and
      - 4) The required yards of any portion of the structure are increased one foot for each foot that any portion of the structure exceeds 30 feet above average building elevation (does not apply to Public Park uses).

**35.10.040 BCX Zones**

1. The required yard of any portion of the structure must be increased one foot for each foot that any portion of the structure exceeds 30 feet above average building elevation (does not apply to Public Park uses).
2. The following requirements shall apply to all development that includes residential or assisted living uses:

- a. The development must include commercial use(s) with gross floor area on the ground floor equal to or greater than 25 percent of the parcel size for the subject property. Commercial floor area shall be one or more of the following uses: Retail; Restaurant or Tavern; Entertainment, Cultural and/or Recreational Facility; or Office.
- b. The commercial floor shall be a minimum of 13 feet in height. The height of the structure may exceed the maximum height of structure by three feet.
- c. Commercial uses shall be oriented to adjoining arterials.
- d. Residential uses, assisted living uses, and parking for those uses shall not be located on the street level floor unless an intervening commercial frontage is provided between the street and those other uses or parking subject to the standards above. The intervening commercial frontage shall be a minimum of 20 feet in depth. The Planning Director may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the commercial frontage will maximize visual interest. Lobbies for residential or assisted living uses may be allowed within the commercial frontage provided they do not exceed 20 percent of the building's linear commercial frontage along the street.

### **35.10.050 FHNC Zone**

#### 1. The following commercial frontage requirements shall apply to all development that includes dwelling units or assisted living uses:

a. The street level floor of all buildings shall be limited to one or more of the following uses, except as allowed in subsection c. below: Retail; Restaurant or Tavern; Entertainment, Cultural and/or Recreational Facility; or Office. These uses shall be oriented toward fronting streets and have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building along the street).

The Design Review Board (or Planning Director if not subject to DR) may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the commercial frontage will maximize visual interest.

b. The commercial floor shall be a minimum of 15 feet in height.

c. Other uses allowed in this zone and parking shall not be located on the street level floor unless an intervening commercial frontage is provided between the street and those other uses or parking subject to the standards above. Lobbies for residential or assisted living uses ~~may be~~ are allowed within the commercial frontage provided they do not exceed 20 percent of the building's linear commercial frontage along the street.

#### 2. Maximum height of structure is as follows:

a. 35 feet above average building elevation.

b. 55 feet above the midpoint of the subject property on the abutting right-of way, if:

1) The subject property contains a minimum of five acres and any development includes a grocery store with a minimum 20,000 square feet of floor area.

2) Office uses are only allowed on the ground floor and second floor of any structure.

3) For all building facades facing and within 100 feet of Juanita Drive or NE 141<sup>st</sup> Street, all portions of a structure greater than two stories in height shall be stepped back from the second story building façade by an average of 20 feet. The required upper story stepbacks for all floors above the second story shall be calculated as Total Upper Story Stepback Area as follows: Total Upper Story Stepback Area = (Linear feet of front property line(s), not

including portions of the site without buildings that are set aside for vehicular areas) x (Required average stepback) x (Number of stories proposed above the second story). The Design Review Board is authorized to allow rooftop garden structures within the stepback area.

4) The proposal includes public gathering places, community plazas, and public art. At least one public plaza shall contain a minimum of 2,500 square feet in one continuous piece with a minimum width of 30 feet. The space shall be designed to be consistent with the design guidelines for public open space.

5) Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing incentives and requirements.

6) Development shall be designed, built and certified to achieve or exceed one or more of the following green building certification standards: Built Green 5 star certified, LEED Gold certified, or Living Building Challenge certified.

7) Signs for a development approved under this provision must be proposed within a Master Sign Plan application (KZC 100) for all signs within the project.

8) Drive in and drive through facilities are prohibited.

c. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations zone are established:

1) Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.

2) For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.

.20 Permitted Uses

Permitted Uses Table – Commercial Zones (BN, BNA, FHNC, BC, BC 1, BC 2, BCX)

(See also KZC 35.30, Density/Dimensions Table, and KZC 35.40, Development Standards Table)

Use		Required Review Process:		
		I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC		DR = Design Review, Chapter 142 KZC None = No Required Review Process
		NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)		
		BN, BNA, <u>FHNC</u>	BC, BC 1, BC 2	BCX
35.20.010	Assisted Living Facility	1, 2, 3 DR	1, 2, 4 None	1, 2, 5 None
35.20.020	Attached or Stacked Dwelling Units*	3 DR	4 None	5 None
35.20.030*	Reserved			
35.20.040	Church	10 DR	10 None	10 None
35.20.050	Community Facility	DR	None	None
35.20.060	Convalescent Center	DR	2 None	None
35.20.070	Entertainment, Cultural and/or Recreational Facility	11, 12, 13, 14 DR	None	None
35.20.080	Government Facility	DR	None	None
35.20.090	Hotel or Motel	NP <u>in BN and BNA, DR in FHNC</u> 15	15 None	15 None
35.20.100	Mini-School or Mini-Day-Care Center	10, 16, 17 DR	10, 16, 17 None	10, 16, 17 None
35.20.110	Nursing Home	DR	2 None	None
35.20.120	Office Use	18, 19, <del>20</del> , 21 DR	18, 19 None	18, 19 None
35.20.130	Private Lodge or Club	DR	None	None



Use		Required Review Process:		
		I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC		DR = Design Review, Chapter 142 KZC None = No Required Review Process
		NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)		
		BN, BNA, <u>FHNC</u>	BC, BC 1, BC 2	BCX
35.20.140	Public Park	See KZC 45.50 for required review process.		
35.20.150	Public Utility	IIA	None	None
35.20.160	Restaurant or Tavern	DR 11, 12, 13	None 11, 13	None 11, 13
35.20.170*	Retail Establishment other than those specifically listed in this zone, selling goods, or providing services	NP <u>in BN and BNA, DR in FHNC 12, 23</u>	None 11, 12, 23, 30	None 11, 12, 23
35.20.180*	Retail Establishment providing banking and related financial services	DR 11	None 11	None 11
35.20.190*	Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services	DR 11, 12, 13	None 11, 12	None 11, 12
35.20.200	Retail Establishment providing storage services	NP	None 25, 26	None 25
35.20.210*	Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair	NP	None 27	None 6, 7, 8, 9
35.20.220*	Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art	DR 11, 23, 30	None 11, 12, 23, 30	None 11, 12, 23
35.20.230*	Retail Establishment selling groceries and related items	DR 11, 23	None 11, 12, 23, 30	None 11, 12, 23
35.20.240*	Retail Variety or Department Store	DR 11, 23	None 11, 12, 23, 30	None 11, 12, 23
35.20.250	School or Day-Care Center	DR 10, 16, 17	None 10, 16, 17	None 10, 16, 17
35.20.260*	Reserved			
35.20.270	Vehicle Service Station	DR 17, 28, 29	I 28	I 28

**Permitted Uses (PU) Special Regulations:**

- PU-1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
- PU-2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
- PU-3. This use is only allowed on the street level floor subject to the provisions of KZC 35.10.020 or 35.10.050(1).
- PU-4\*. Attached Dwelling Units are not allowed in the BC, BC 1 and BC 2 zones. In the BC zone, this use, with the exception of a lobby, may not be located on the ground floor of a structure. In the BC 1 and BC 2 zones, this use is only allowed subject to the provisions of KZC 35.10.030(2).
- PU-5\*. Attached Dwelling Units are not allowed in the BCX zone. This use is only allowed subject to the provisions of KZC 35.10.040(2).
- PU-6\*. This use specifically excludes new or used vehicle or boat sales or rentals, except motorcycle sales, service, or rental is permitted if conducted indoors.
- PU-7. No openings (i.e., doors, windows which open, etc.) shall be permitted in any facade of the building adjoining to any residentially zoned property. Windows are permitted if they are triple-paned and unable to be opened.
- PU-8. Storage of used parts and tires must be conducted entirely within an enclosed structure. Outdoor vehicle parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.
- PU-9. Prior to occupancy of the structure, documentation must be provided and stamped by a licensed professional verifying that the expected noise to be emanating from the site adjoining to any residential zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
- PU-10. May include accessory living facilities for staff persons.
- PU-11. Uses with drive-in and drive-through facilities are prohibited in the BN zone. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
- PU-12. Ancillary assembly and manufactured goods on the premises of this use are permitted only if:
- a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises.
  - b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.

PU-13. For restaurants with drive-in or drive-through facilities, one outdoor waste receptacle shall be provided for every eight parking stalls.

PU-14. Entertainment, cultural and/or recreational facilities are only allowed in BNA and FHNC zones.

PU-15. May include ancillary meeting and convention facilities.

PU-16. A six-foot-high fence is required along the property lines adjacent to the outside play areas.

PU-17. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.

PU-18. The following regulations apply to veterinary offices only:

- a. May only treat small animals on the subject property.
- b. Outside runs and other outside facilities for the animals are not permitted.
- c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application.

PU-19. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:

- a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.
- b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

~~PU 20. At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway.~~

PU-21. For properties located within the Moss Bay neighborhood, this use not allowed above the street level floor of any structure.

PU-22\*. Reserved.

PU-23. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if:

- a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and
- b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.

PU-24\*. Reserved.

- PU-25. May include accessory living facilities for resident security manager.
- PU-26. This use not permitted in BC 1 and BC 2 zones or if any portion of the property is located within 150 feet of the Cross Kirkland Corridor.
- PU-27. Vehicle and boat rental are allowed as part of this use.
- PU-28. May not be more than two vehicle service stations at any intersection.
- PU-29. This use is not allowed in the BN zone.
- PU-30. Retail establishments selling marijuana or products containing marijuana are not permitted on properties abutting the school walk routes shown on Plate 46.



.30 Density/Dimensions

Density/Dimensions Table – Commercial Zones (BN, BNA, **FHNC**, BC, BC 1, BC 2, BCX)

(Refer to KZC 35.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 35.40, Development Standards Table)

USE		Minimum Lot Size	REQUIRED YARDS (See Chapter 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear		
35.30.010	Assisted Living Facility	BN: None <sup>3</sup> BNA: None <sup>2,3</sup> <b>FHNC: None<sup>2</sup></b> BC, BC 1, BC 2: None <sup>1</sup> BCX: None	BN, BNA: <sup>4</sup> <b>FHNC: 4, X1</b> BC, BC 1, BC 2: <sup>4,5</sup> BCX: <sup>4,6</sup>				
35.30.020*	Attached or Stacked Dwelling Units	BN, BNA: None <sup>2,7</sup> <b>FHNC: None<sup>2</sup></b> BC, BCX: None BC, BC 1, BC 2: None <sup>16</sup>	<sup>4,5, X1,6</sup>				
35.30.030*	Reserved						
35.30.040	Church	None	BN, BC, BCX: 20' BNA, <b>FHNC</b> , BC 1, BC 2: 10'	BN, BNA, <b>FHNC</b> : 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA, <b>FHNC</b> : 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9,10</sup> BNA: 35' above ABE. <sup>9,10</sup> <b>FHNC: X2</b> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.050	Community Facility	None	BN, BC, BCX: 20' BNA, <b>FHNC</b> , BC 1, BC 2: 10'	BN, BNA, <b>FHNC</b> : 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA, <b>FHNC</b> : 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9,10</sup> BNA: 35' above ABE. <sup>9,10</sup> <b>FHNC: X2</b> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.060	Convalescent Center	None	BN, BC, BCX: 20' BNA, <b>FHNC</b> , BC 1, BC 2: 10'	BN, BNA, <b>FHNC</b> : 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA, <b>FHNC</b> : 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BNA: 35' above ABE. <sup>9,10</sup> <b>FHNC: X2</b> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.070	Entertainment, Cultural and/or Recreational Facility	None BN, BNA: None <sup>12</sup>	BNA, <b>FHNC</b> : 10' BC: 20' BC 1, BC 2: 10' BCX: 20'	BNA, <b>FHNC</b> : 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BNA, <b>FHNC</b> : 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9,10</sup> BNA: 35' above ABE. <sup>9,10</sup> <b>FHNC: X2</b> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.080	Government Facility	None	BN, BC, BCX: 20' BNA, <b>FHNC</b> , BC 1, BC 2: 10'	BN, BNA, <b>FHNC</b> : 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA, <b>FHNC</b> : 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9,10</sup> BNA: 35' above ABE. <sup>9,10</sup> <b>FHNC: X2</b> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.090	Hotel or Motel	None	BC, BCX: 20' BC 1, BC 2: 10' <b>FHNC: 10'</b>	BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	<b>FHNC: X2</b> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.

				<u>FHNC: 10'</u>	<u>FHNC: 10'</u>		
35.30.100	Mini-School or Mini-Day-Care Center	None	BN: 0' BNA, <u>FHNC</u> , BC 1, BC 2: 10' BC, BCX: 20'	BN, BNA, <u>FHNC: 10'</u> BC, BC 1, BC 2: 0 <sup>18</sup> BCX: 0'	BN, BNA, <u>FHNC: 10'</u> BC, BC 1, BC 2: 0 <sup>18</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9,10</sup> BNA: 35' above ABE. <sup>9,10</sup> <u>FHNC: X2</u> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.110	Nursing Home	None	BN, BC, BCX: 20' BNA, <u>FHNC</u> , BC 1, BC 2: 10'	BN, BNA, <u>FHNC: 10'</u> BC, BC 1, BC 2: 0 <sup>18</sup> BCX: 0'	BN, BNA, <u>FHNC: 10'</u> BC, BC 1, BC 2: 0 <sup>18</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9,10</sup> BNA: 35' above ABE. <sup>9,10</sup> <u>FHNC: X2</u> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.120	Office Use	None	BN: 0' BNA, <u>FHNC</u> , BC 1, BC 2: 10' BC, BCX: 20'	BN, BNA, <u>FHNC: 10'</u> BC, BC 1, BC 2: 0 <sup>18</sup> BCX: 0'	BN, BNA, <u>FHNC: 10'</u> BC, BC 1, BC 2: 0 <sup>18</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9,10</sup> BNA: 35' above ABE. <sup>9,10</sup> <u>FHNC: X2</u> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.130	Private Lodge or Club	None	BN, BC, BCX: 20' BNA, <u>FHNC</u> , BC 1, BC 2: 10'	BN, BNA, <u>FHNC: 10'</u> BC, BC 1, BC 2: 0 <sup>18</sup> BCX: 0'	BN, BNA, <u>FHNC: 10'</u> BC, BC 1, BC 2: 0 <sup>18</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9,10</sup> BNA: 35' above ABE. <sup>9,10</sup> <u>FHNC: X2</u> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.140	Public Park	Development standards will be determined on a case-by-case basis.					
35.30.150	Public Utility	None	BN, BC, BCX: 20' BNA, <u>FHNC</u> , BC 1, BC 2: 10'	BN, BNA, <u>FHNC: 20'</u> BC, BC 1, BC 2: 0 <sup>18</sup> BCX: 0'	BN, BNA, <u>FHNC: 20'</u> BC, BC 1, BC 2: 0 <sup>18</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9,10</sup> BNA: 35' above ABE. <sup>9,10</sup> <u>FHNC: X2</u> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.160	Restaurant or Tavern	None BN, BNA <sup>12</sup>	BN: 0' BNA, <u>FHNC</u> , BC 1, BC 2: 10' BC, BCX: 20'	BN, BNA, <u>FHNC: 10'</u> BC, BC 1, BC 2: 0 <sup>18</sup> BCX: 0'	BN, BNA, <u>FHNC: 10'</u> BC, BC 1, BC 2: 0 <sup>18</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9,10</sup> BNA: 35' above ABE. <sup>9,10</sup> <u>FHNC: X2</u> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.170*	Retail Establishment other than those specifically listed in this zone, selling goods, or providing services	None	BC, BCX: 20' BC 1, BC 2: 10' <u>FHNC: 10'</u>	BC, BC 1, BC 2: 0 <sup>18</sup> BCX: 0' <u>FHNC: 10'</u>	BC, BC 1, BC 2: 0 <sup>18</sup> BCX: 0' <u>FHNC: 10'</u>	80%	<u>FHNC: X2</u> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.180*	Retail Establishment providing banking and related financial services	None BN, BNA <sup>12</sup>	BN: 0' BC, BCX: 20' BNA, <u>FHNC</u> , BC 1, BC 2: 10'	BN, BNA, <u>FHNC: 10'</u> BC, BC 1, BC 2: 0 <sup>18</sup> BCX: 0'	BN, BNA, <u>FHNC: 10'</u> BC, BC 1, BC 2: 0 <sup>18</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9,10</sup> BNA: 35' above ABE. <sup>9,10</sup> <u>FHNC: X2</u> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.

35.30.190*	Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services	None BN, BNA <sup>12</sup>	BN: 0' BC, BCX: 20' BNA, <u>FHNC</u> , BC 1, BC 2: 10'	BN, BNA, <u>FHNC</u> : 10' BC, BC 1, BC 2: 0 <sup>18</sup> BCX: 0'	BN, BNA, <u>FHNC</u> : 10' BC, BC 1, BC 2: 0 <sup>18</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9,10</sup> BNA: 35' above ABE. <sup>9,10</sup> <u>FHNC</u> : <sup>X2</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.200	Retail Establishment providing storage services	None	BC, BCX: 20'	BC: 0 <sup>18</sup> BCX: 0'	BC: 0 <sup>18</sup> BCX: 0'	80%	BC: <sup>11</sup> BCX: 30' above ABE.
35.30.210*	Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair	None	BC, BCX: 20' BC 1, BC 2: 10'	BC, BCX, BC 1, BC 2: 0 <sup>18</sup>	BC, BCX, BC 1, BC 2: 0 <sup>18</sup>	80%	BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.220*	Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art	None BN, BNA <sup>14</sup>	BN: 0' BC, BCX: 20' BNA, <u>FHNC</u> , BC 1, BC 2: 10'	BN, BNA, <u>FHNC</u> : 10' BC, BC 1, BC 2: 0 <sup>18</sup> BCX: 0'	BN, BNA, <u>FHNC</u> : 10' BC, BC 1, BC 2: 0 <sup>18</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9,10</sup> BNA: 35' above ABE. <sup>9,10</sup> <u>FHNC</u> : <sup>X2</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.230*	Retail Establishment selling groceries and related items	None BN, BNA <sup>14</sup>	BN: 0' BC, BCX: 20' BNA, <u>FHNC</u> , BC 1, BC 2: 10'	BN, BNA, <u>FHNC</u> : 10' BC, BC 1, BC 2: 0 <sup>18</sup> BCX: 0'	BN, BNA, <u>FHNC</u> : 10' BC, BC 1, BC 2: 0 <sup>18</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9,10</sup> BNA: 35' above ABE. <sup>9,10</sup> <u>FHNC</u> : <sup>X2</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.240*	Retail Variety or Department Store	None BN, BNA <sup>14</sup>	BN: 0' BC, BCX: 20' BNA, <u>FHNC</u> , BC 1, BC 2: 10'	BN, BNA, <u>FHNC</u> : 10' BC, BC 1, BC 2: 0 <sup>18</sup> BCX: 0'	BN, BNA, <u>FHNC</u> : 10' BC, BC 1, BC 2: 0 <sup>18</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9,10</sup> BNA: 35' above ABE. <sup>9,10</sup> <u>FHNC</u> : <sup>X2</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.250	School or Day-Care Center	None	BN: 0' BNA, <u>FHNC</u> , BC 1, BC 2: 10' BC, BCX: 20'	BN, BNA, <u>FHNC</u> : 10' BC, BC 1, BC 2: 0 <sup>18</sup> BCX: 0'	BN, BNA, <u>FHNC</u> : 10' BC, BC 1, BC 2: 0 <sup>18</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9,10,15</sup> BNA: 35' above ABE. <sup>9,10,15</sup> <u>FHNC</u> : <sup>X2</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.260*	Reserved						
35.30.270	Vehicle Service Station	22,500 sq. ft.	40'	15'	15'	80%	BNA: 35' above ABE. <sup>9,10</sup> <u>FHNC</u> : <sup>X2</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.

**Density/Dimensions (DD) Special Regulations:**

- DD-1. In BC 1 and BC 2, subject to density limits listed for attached and stacked dwelling units. For density purposes, two assisted living units constitute one dwelling unit.
- DD-2. In the BNA zone and in the FHNC zone for properties containing less than 5 acres, the gross floor area of this use shall not exceed 50 percent of the total gross floor area on the subject property.
- DD-3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property.
- DD-4. Same as the regulations for the ground floor use.
- DD-X. See KZC 35.10.050(2).
- DD-5. See KZC 35.10.030(2).
- DD-6. See KZC 35.10.040(2).
- DD-7. The minimum amount of lot area per dwelling unit is as follows:
  - a. In the BN zone, 900 square feet.
  - b. In the BNA zone:
    - i. North of NE 140th Street, 1,800 square feet.
    - ii. South of NE 124th Street, 2,400 square feet.
- DD-8. See KZC 35.10.030(4) and (5).
- DD-9. If adjoining a low density zone other than RSX or RSA, then 25 feet above ABE.
- DD-X2. See KZC 35.10.050.
- DD-10. See KZC 35.10.020(1)(b).
- DD-11. See KZC 35.10.030(5) and (6).
- DD-12. Gross floor area for this use may not exceed 10,000 square feet, except in the BN zone the limit shall be 4,000 square feet.



DD-14. The gross floor area for this use may not exceed 10,000 square feet. Exceptions:

- a. Retail establishments selling groceries and related items in the BNA zone are not subject to this limit.
- b. In the BN zone, the limit shall be 4,000 square feet.

DD-15. For school use, structure height may be increased, up to 35 feet, if:

- a. The school can accommodate 200 or more students; and
- b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and
- c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan.
- d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.

*This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.*

DD-16. Nine hundred square feet per unit in BC 1 and BC 2.

DD-17. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.

(Ord. 4476 § 2, 2015)

*\*Code reviser's note: This section of the code has been modified from what was shown in Ord. 4476 to simplify the code and reflect the intent of the City.*

## .40 Development Standards

Development Standards Table – Commercial Zones (BN, BNA, FHNC, BC, BC 1, BC 2, BCX)

(Refer to KZC 35.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 35.30, Density/Dimensions Table)

Use	Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)	
35.40.010	Assisted Living Facility	1	A	1.7 per independent unit. 1 per assisted living unit.
35.40.020	Attached or Stacked Dwelling Units	1	A	1.2 per studio unit. 1.3 per 1 bedroom unit. 1.6 per 2 bedroom unit. 1.8 per 3 or more bedroom unit. See KZC 105.20 for visitor parking requirements.
35.40.030*	Reserved			
35.40.040	Church	C	B	1 for every four people based on maximum occupancy load of any area of worship. <sup>3</sup>
35.40.050	Community Facility	C <sup>4</sup>	B BN, BNA: B <sup>5</sup>	See KZC 105.25.
35.40.060	Convalescent Center	C BN, BNA: B <sup>6</sup>	B	1 for each bed.
35.40.070	Entertainment, Cultural and/or Recreational Facility	B BNA: B <sup>6</sup>	E BNA: D	See KZC 105.25.
35.40.080	Government Facility	C <sup>4</sup>	B BN, BNA: B <sup>5</sup>	See KZC 105.25.
35.40.090	Hotel or Motel	B	E	1 per each room. <sup>7</sup>
35.40.100	Mini-School or Mini-Day-Care Center	D BN, BNA: B <sup>6</sup>	B	See KZC 105.25. <sup>8,9</sup>
35.40.110	Nursing Home	C BN, BNA: B <sup>6</sup>	B	1 for each bed.
35.40.120	Office Use	BN, BNA: B <sup>6</sup> BC, BC 1, BC 2: C BCX, <u>FHNC</u> : B	D	1 per each 300 sq. ft. of gross floor area. <sup>13</sup>
35.40.130	Private Lodge or Club	C BN, BNA: B <sup>6</sup>	B	1 per each 300 sq. ft. of gross floor area.
35.40.140	Public Park	Development standards will be determined on a case-by-case basis.		
35.40.150	Public Utility	A <sup>4</sup>	B BN, BNA: B <sup>5</sup>	See KZC 105.25.

Use		Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)
35.40.160	Restaurant or Tavern	<b>BN, BNA: B<sup>6</sup></b> <b><u>FHNC</u>, BC, BC 1, BC 2, BCX: B<sup>10</sup></b>	E <b>BN, BNA: D</b>	1 per each 100 sq. ft. of gross floor area.
35.40.170*	Retail Establishment other than those specifically listed in this zone, selling goods, or providing services	B	E	1 per each 300 sq. ft. of gross floor area.
35.40.180*	Retail Establishment providing banking and related financial services	B <sup>6</sup>	<b>BN, BNA: D</b> <b><u>FHNC</u>, BC, BC 1, BC 2,</b> <b>BCX: E</b>	1 per each 300 sq. ft. of gross floor area.
35.40.190*	Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services	B <sup>6</sup>	<b>BN, BNA: D</b> <b><u>FHNC</u>, BC, BC 1, BC 2,</b> <b>BCX: E</b>	1 per each 300 sq. ft. of gross floor area.
35.40.200	Retail Establishment providing storage services	A	E	See KZC 105.25.
35.40.210*	Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair	A	E	<b>BC, BC 1, BC 2:</b> See KZC 105.25. <sup>11</sup> <b>BCX:</b> 1 per each 250 sq. ft. of gross floor area. <sup>2</sup>
35.40.220*	Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art	B <sup>6</sup>	<b>BN, BNA: D</b> <b><u>FHNC</u>, BC, BC 1, BC 2,</b> <b>BCX: E</b>	1 per each 300 sq. ft. of gross floor area.
35.40.230*	Retail Establishment selling groceries and related items	B <sup>6</sup>	<b>BN, BNA: D</b> <b><u>FHNC</u>, BC, BC 1, BC 2,</b> <b>BCX: E</b>	1 per each 300 sq. ft. of gross floor area.
35.40.240*	Retail Variety or Department Store	B <sup>6</sup>	<b>BN, BNA: D</b> <b><u>FHNC</u>, BC, BC 1, BC 2,</b> <b>BCX: E</b>	1 per each 300 sq. ft. of gross floor area.
35.40.250	School or Day-Care Center	D <b>BN, BNA: B<sup>6</sup></b>	B	See KZC 105.25. <sup>9, 12</sup>
35.40.260*	Reserved			
35.40.270	Vehicle Service Station	A	E <b>BNA: D</b>	See KZC 105.25.

**Development Standards (DS) Special Regulations:**

- DS-1. Same as the regulations for the ground floor use.
- DS-2. Ten percent of the required parking spaces on site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/travel trailer use.
- DS-3. No parking is required for day-care or school ancillary to this use.
- DS-4. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
- DS-5. One pedestal sign with a readerboard having electronic programming is allowed at a fire station only if:
- a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
  - b. The electronic readerboard is no more than 50 percent of the sign area;
  - c. Moving graphics and text or video are not part of the sign;
  - d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;
  - e. The electronic readerboard displays messages regarding public service announcements or City events only;
  - f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;
  - g. The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m. except during emergencies;
  - h. It is located to have the least impact on surrounding residential properties.
- If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose additional conditions.
- DS-6. See KZC 35.10.020(2).
- DS-7. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.
- DS-8. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements.
- DS-9. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.
- DS-10. For restaurants with drive-in or drive-through facilities Landscape Category A shall apply.
- DS-11. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
- DS-12. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses.
- DS-13. If a medical, dental or veterinary office, then one per each 200 square feet of gross floor area.

*\*Code reviser's note: This section of the code has been modified from what was shown in Ord. 4476 to simplify the code and reflect the intent of the City.*

**KZC Chapter 92 – DESIGN REGULATIONS**

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7. Building Cornerstone or Plaque – All Zones
8. Required On-Site Improvements – All Zones

### **92.05 Introduction**

1. General – This chapter establishes the design regulations that apply to development in Design Districts including the Central Business District (CBD), Finn Hill Neighborhood Center (FHNC), Market Street Corridor (MSC), Neighborhood Business Districts (BN, BNA), Juanita Business District (JBD), Rose Hill Business District (RHBD), Totem Lake Business District (TLBD), North Rose Hill Business District (NRHBD), Business District Core (BDC), Yarrow Bay Business District (YBD) and in PLA 5C.

Special provisions that apply to a particular Design District are noted in the section headings of the chapter.

2. Applicability – The provisions of this chapter apply to all new development, with the exception of development in the TL 7 zone. The provisions of Chapters 142 and 162 KZC regarding Design Review and nonconformance establish which of the regulations of this chapter apply to developed sites. Where provisions of this chapter conflict with provisions in any other section of the code, this chapter prevails. For more information on each Design District refer to the Design Guidelines applicable to that Design District adopted by reference in Chapter 3.30 KMC.

3. Design Review Procedures – The City will use Chapter 142 KZC to apply the regulations of this chapter to development activities that require Design Review approval.

4. Relationship to Other Regulations – Refer to the following chapters of the Zoning Code for additional requirements related to new development on or adjacent to the subject property.

a. Landscaping – Chapter 95 KZC describes the installation and maintenance of landscaping requirements on the subject property.

b. Installation of Sidewalks, Public Pedestrian Pathways and Public Improvements – Chapter 110 KZC describes the regulations for the installation of public sidewalks, major pedestrian sidewalks, pedestrian-oriented sidewalks, or other public improvements on or adjacent to the subject property in zones subject to Design Review. Plate 34 in Chapter 180 KZC provides the location and designation of the sidewalk, pedestrian walkways, pathways or other required public improvements within each Design District.

c. Pedestrian Access to Buildings, Installation of Pedestrian Pathways, Pedestrian Weather Protection – Chapter 105 KZC describes the requirements for pedestrian access to buildings and between properties, through parking areas and requirements for pedestrian weather protection. See also Plate 34 in Chapter 180 KZC.

d. Parking Area Location and Design, Pedestrian and Vehicular Access – Chapter 105 KZC describes the requirements for parking lot design, number of driveways, or pedestrian and vehicular access through parking areas.

e. Screening of Loading Areas, Outdoor Storage Areas and Garbage Receptacles – Chapter 95 KZC describes the location and screening requirements of outdoor storage. Chapter 115 KZC describes the screening of loading areas, waste storage and garbage disposal facilities.

5. Dedication – The City may require the applicant to dedicate development rights, air space, or an easement to the City to ensure compliance with any of the requirements of this chapter.

6. Design Districts in Rose Hill Business District – Various places in this chapter refer to the three (3) Design Districts in the Rose Hill Business District: Regional Center, Neighborhood Center and East End. Figure 92.05.A below describes where these are located. For a more detailed description of each area, see the Design Guidelines for the Rose Hill Business District adopted by reference in Chapter 3.30 KMC.

#### Design Districts within the Rose Hill Business District



FIGURE 92.05.A

7. Design Districts in the Totem Lake Business District – Various places in this chapter refer to either the Business District Core (BDC) Design District or the larger Totem Lake Business District (TLBD). Figure 92.05.B below describes where the Business District Core Design District is located within the larger Totem Lake Business District. For more information on the design guidelines for each area see the Totem Lake Business District Design Guidelines and the Guidelines for Pedestrian-Oriented Business Districts that apply in the Business District Core adopted by reference in Chapter 3.30 KMC.

**Business District Core within the Totem Lake Business District**

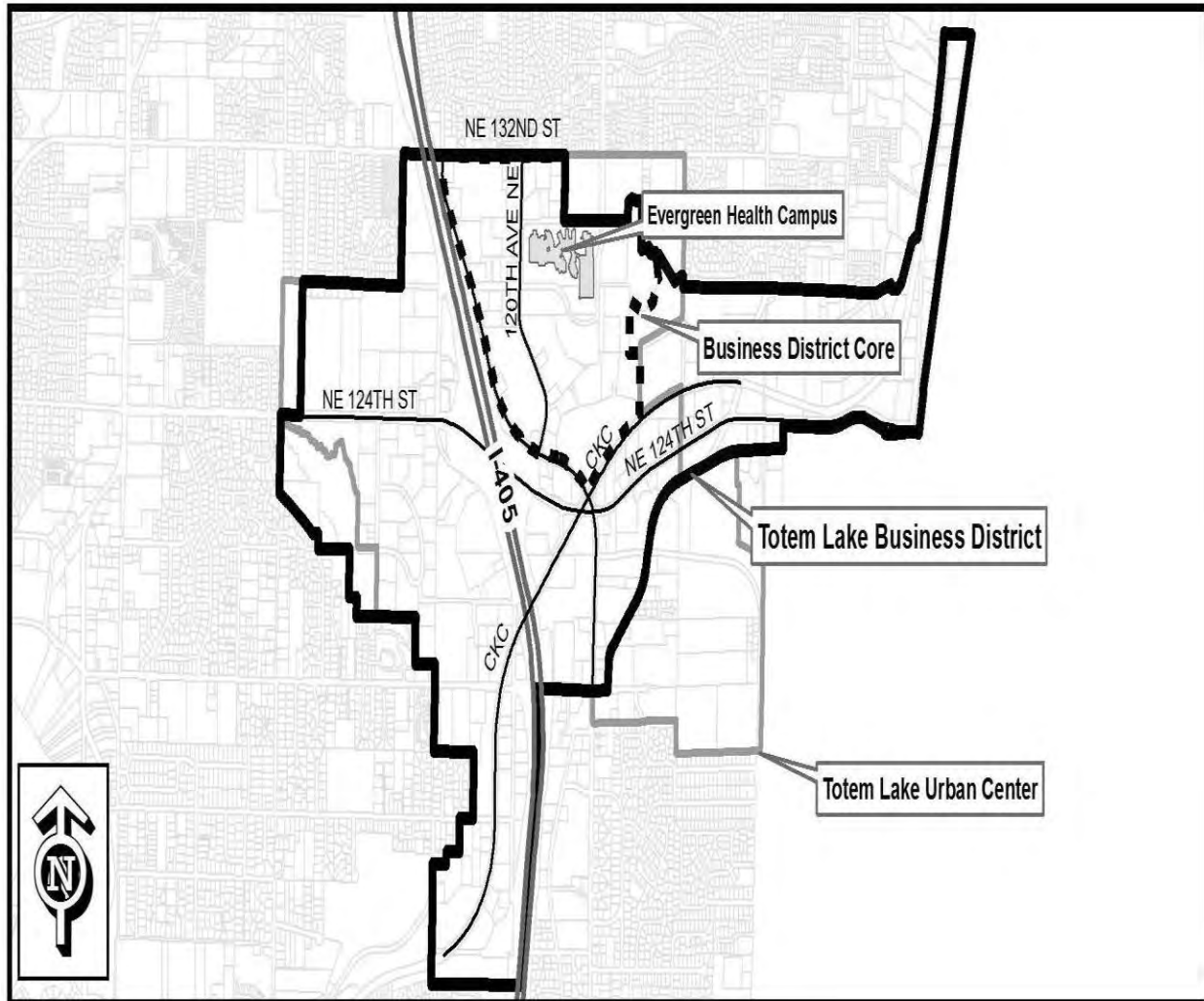


FIGURE 92.05.B

(Ord. 4495 § 2, 2015; Ord. 4392 § 1, 2012; Ord. 4390 § 1, 2012; Ord. 4357 § 1, 2012; Ord. 4333 § 1, 2011; Ord. 4174 § 1, 2009; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3972 § 1, 2004; Ord. 3889 § 2, 2003; Ord. 3833 § 1, 2002)

**92.10 Site Design, Building Placement and Pedestrian-Oriented Facades**

This section contains regulations which establish the location of a building on the site in relationship to the adjacent sidewalk, pedestrian pathway or pedestrian-oriented elements on or adjacent to the subject property.

1. Building Placement in JBD – All buildings must front on a right-of-way or through-block pathway (see Plate 34).
2. Pedestrian-Oriented Facades Defined for RHBD and TLBD – To meet the definition of a pedestrian-oriented facade (see Figure 92.10.A):

- a. The building's primary entrance must be located on this facade and facing the street. For purposes of this chapter, "primary entrance" shall be defined as the primary or principal pedestrian entrance of all buildings along that street. The primary entrance is the entrance designed for access by pedestrians from the sidewalk. This is the principal architectural entrance even though customers or residents may use a secondary entrance associated with a garage, parking area, driveway or other vehicular use area more frequently.
  - b. Transparent windows and/or doors must occupy at least 75 percent of the facade area between two (2) and seven (7) feet above the sidewalk.
  - c. Weather protection feature(s) at least five (5) feet wide must be provided over at least 75 percent of the facade. This could include awnings, canopies, marquees, or other permitted treatments that provide functional weather protection.
3. Building Placement in RHBD, TLBD and YBD
- a. Building Location Featuring Pedestrian-Oriented Facades in RHBD, TLBD and YBD Zones – Buildings may be located adjacent to the sidewalk of any street (except west of 124th Avenue NE in the TLBD) and in YBD (except for Lake Washington Boulevard and Northup Way), if they contain a pedestrian-oriented facade along that street frontage pursuant to the standards in subsection (2) of this section. As part of the Design Review process, required yards, setbacks or other development standards may be modified along the street frontage. Buildings not featuring a pedestrian-oriented facade along a street must provide a building setback of at least 10 feet from any public street (except areas used for pedestrian or vehicular access) landscaped with a combination of trees, shrubs, and groundcover per the requirements of supplemental landscape standards of KZC 95.41(2).

#### Pedestrian-Oriented Facade

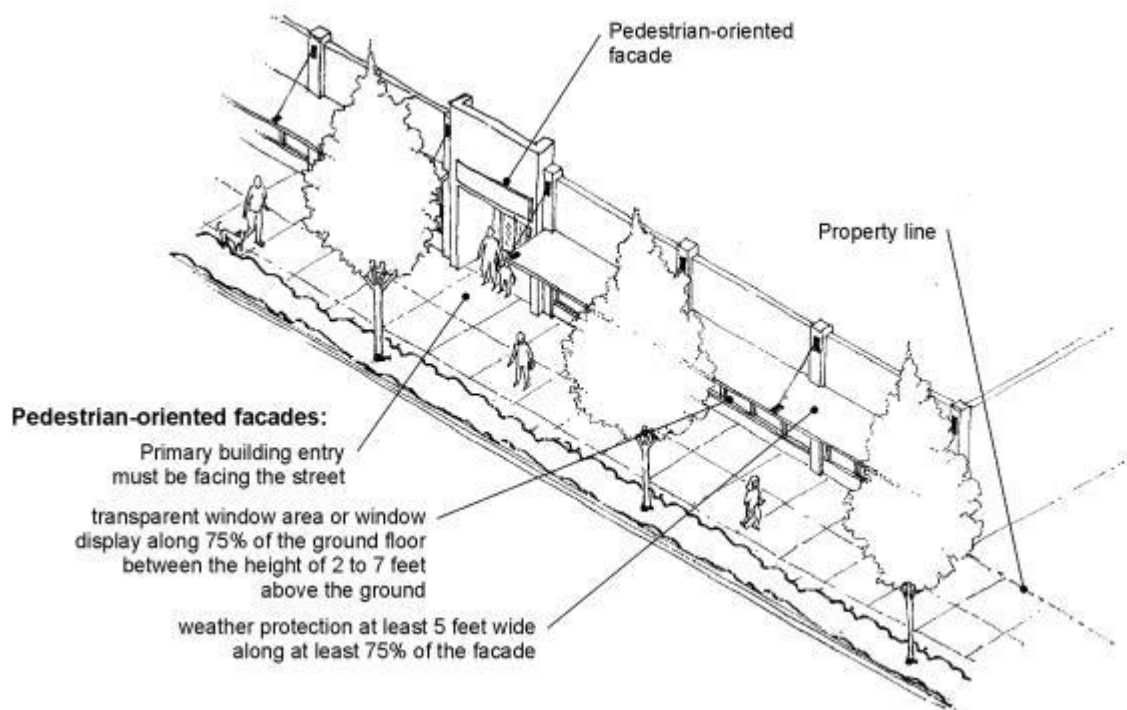


FIGURE 92.10.A

- b. For All Other Building Facades in RHBD and TLBD Zones (Non-Pedestrian-Oriented Facade) – Building facades not featuring a pedestrian-oriented facade described in subsection (2) of this section must

provide at least three (3) feet of landscaping between any vehicular access area or walkway and the building. (See Figure 92.10.B.)

Exceptions:

- 1) Alleys and other areas generally not visible to the public, as determined by the City;
- 2) Other design options may be considered through the Design Review process, provided they meet the intent of the guidelines.

**Interior Pedestrian Pathway Shall Be Separated from Non-Pedestrian-Oriented Facades by Landscaping**

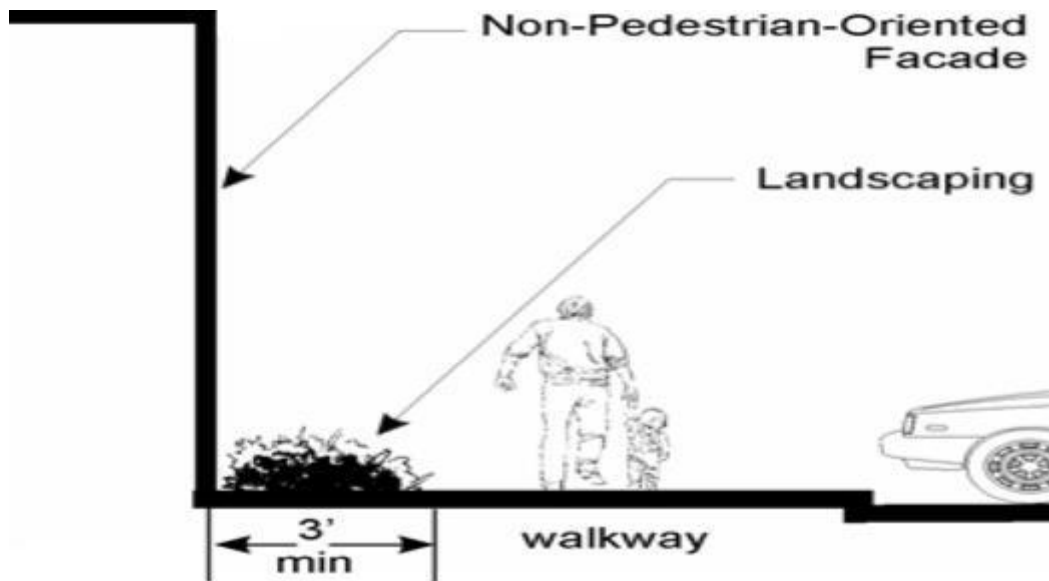


FIGURE 92.10.B

- c. Neighborhood Center Frontage – At least 50 percent of the NE 85th Street property frontage must contain pedestrian-oriented facades located directly on the sidewalk. Vehicle sales uses are exempt as long as their showroom faces the street and is sited within 10 feet of the sidewalk.
- d. Vehicle Sales Showrooms in RHBD and TLBD Zones – Vehicle sales uses are encouraged to locate their showrooms toward the street (and toward NE 85th Street in RHBD) with parking to the side or rear.
- e. RHBD East End – NE 85th Street Building Frontage Options and Preferences
  - 1) Preferred Option: Buildings may be located adjacent to the sidewalk on NE 85th Street if they contain a pedestrian-oriented facade (see Figure 92.10.A);
  - 2) Second Option: Locate and orient building towards the sidewalk on NE 85th Street. In this option, the development features a 10-foot minimum landscaped front yard, a clear pathway between the sidewalk and the building, and a building entry and windows facing the street.
  - 3) Least Preferred Option: Locate the building at the rear of the property with parking between NE 85th Street and the building as long as the following standards are applied:
    - a) Provide a perimeter parking landscape buffer between the sidewalk and parking area per Chapter 95 KZC.
    - b) Provide clear pedestrian access from the sidewalk to the building entry.



- c) Provide a walkway along the building facade meeting through-block pathway standards as described in KZC 105.19.
- f. RHBD East End – Rear Yard Building Placement – Pursuant to KZC 95.40 through 95.45, in most cases, commercial uses shall install a required landscaped buffer adjacent to single-family properties. By requesting a modification to these provisions, the property owners may negotiate an agreement to reduce the landscape buffer/setback in a way that can benefit both parties.

Where buildings are sited towards the rear of the property, the applicant must utilize one (1) of the following standards to minimize impacts to adjacent residential areas (see Figure 92.10.C and options below):

- 1) Meet the required landscape buffer pursuant to KZC 95.42.
- 2) Provide a blank wall no taller than 15 feet in height with no openings placed at the rear property line (building itself serves as a wall, uses are inside the building, shielded from adjacent residential uses). To qualify for this method, the treatment must be agreed to by the adjoining property owners per the modifications section of Chapter 95 KZC.
- 3) Provide a combination of both methods above. For example, provide a blank wall no taller than 15 feet in height between zero and 15 feet from the property line and landscape the applicable area between the building and the property line. In addition, an unfenced design option would effectively enlarge the adjacent homeowners' rear yard (a mutually beneficial arrangement). To qualify for these methods, the treatment must be agreed to by the adjoining property owners per the landscape buffer modifications section of Chapter 95 KZC.

#### **Rear Yard Building Placement Options in the RHBD**

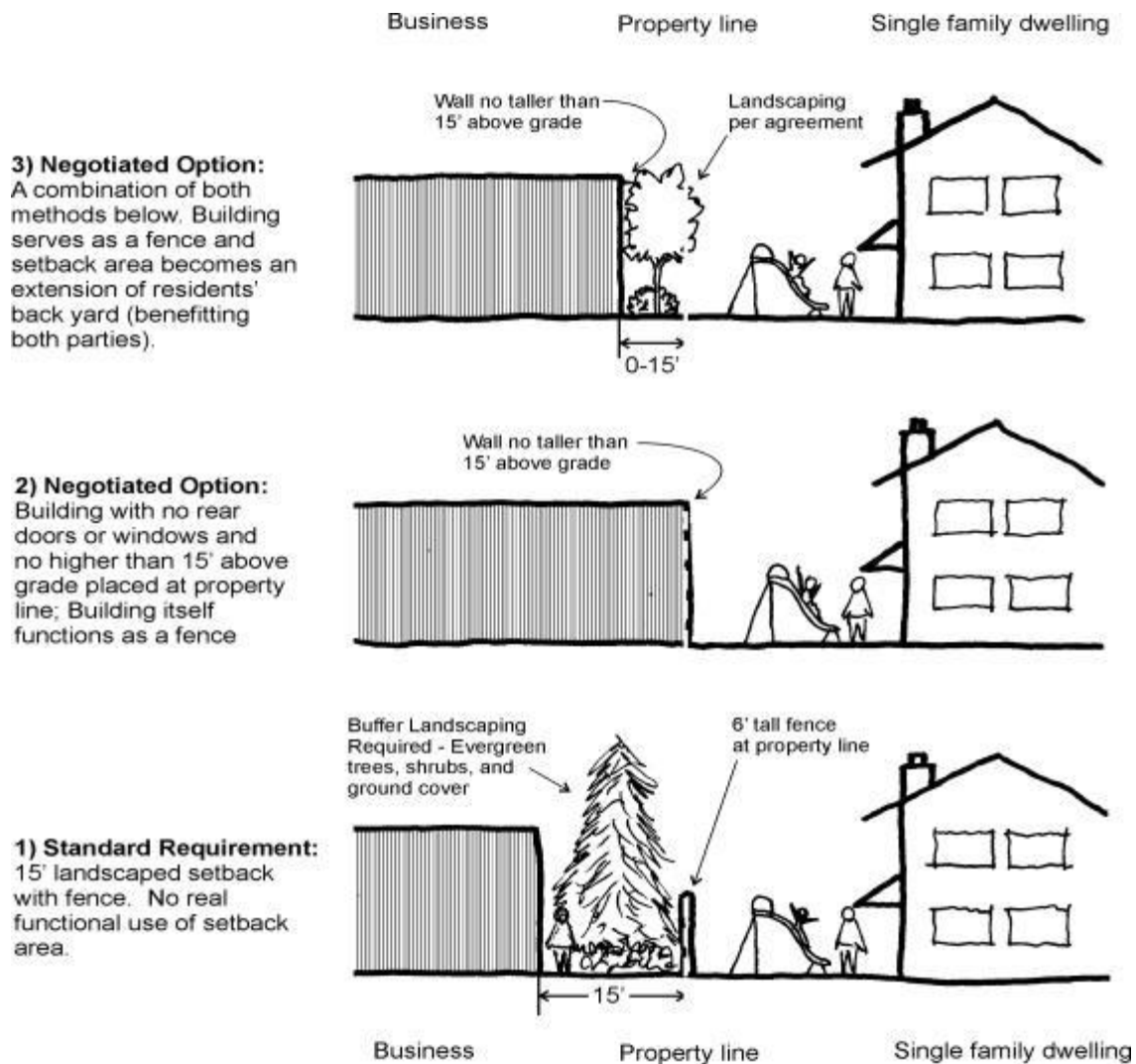


FIGURE 92.10.C

4. Multi-Story Buildings on Sites Adjacent to a Low Density Zone in RHBD and TLBD – Multi-story buildings on sites adjacent to a low density zone in RHBD and TLBD shall be configured and designed to minimize privacy impacts on adjacent low density uses. For example, a development may meet this requirement by orienting upper floors towards the street and/or towards interior courtyards.
5. Multifamily Buildings Located in TLBD – Multifamily buildings located in TLBD adjacent to NE 120th Street must be oriented toward this street. To meet this requirement, common and/or individual unit entries must face the street. The building must include windows that face the street. Parking areas between the building and the street are prohibited. Alternative configurations may be considered in the Design Review process.
6. Building Location at Street Corners in the RHBD and TLBD Zones
  - a. General Standards – For development at street corner sites, the applicant must incorporate one (1) or more of the following site treatments:
    - 1) Locate and orient the building towards the street corner (within 10 feet of corner property line). To qualify for this option, the building must have direct pedestrian access from the street corner. Exception: Properties in the RHBD Regional Center must provide a 10-foot minimum setback between NE 85th Street and any building.

- 2) Provide an architectural feature that adds identity or demarcation of the area. Such an architectural element may have a sign incorporated into it (as long as such sign does not identify an individual business or businesses) (see Figure 92.10.D).
  - 3) Provide a “pedestrian-oriented space” at the corner leading directly to a building entry or entries (see KZC 92.15 and Figure 92.10.D).
  - 4) Install substantial landscaping (at least 30-foot by 30-foot or 900 square feet of ground surface area with trees, shrubs, and/or ground cover).
- b. RHBD Properties Located at the 124th, 126th, and 128th Avenue NE Intersections – Buildings must be located at the street corner and provide pedestrian-oriented facades along both streets. Exceptions:
- 1) Setbacks will be allowed only where the space between the sidewalk and the building meets the definition of a pedestrian-oriented space. An example is shown in Figure 92.10.D.
  - 2) Vehicle sales and properties on the west side of the 124th Avenue NE are exempt from this standard because of transmission line easement limitations.

**Building located directly on a street corner with direct pedestrian access and pedestrian-oriented facades.**



FIGURE 92.10.D

7. Building Location at Street Corners in CBD

- a. Building Corners in the CBD – If the subject property is adjacent to the intersection of two (2) streets, at least one (1) of which is a pedestrian-oriented street, the applicant shall use one (1) or more of the following elements or treatments in the design and construction of the corner of the building facing the intersection of the streets which includes the pedestrian-oriented street. As an alternative, the applicant may propose other techniques, elements or treatments in the design of the corner which are consistent with the design guidelines and the provisions of the Comprehensive Plan.

- 1) Provide at least 100 square feet of sidewalk area or pedestrian-oriented open space in addition to the area required to produce a 10-foot-wide sidewalk as required under KZC 110.52, pedestrian-oriented street (see Figure 92.10.E).
- 2) Provide an entranceway to a store, building atrium or lobby, exterior courtyard or pedestrian-oriented open space (see Figure 92.10.F).
- 3) Provide a pedestrian pathway, at least eight (8) feet in width, that connects to another street, public feature or building (see Figure 92.10.F).
- 4) Provide one (1) or more of the elements listed below on both sides of an axis running diagonally through the corner of the building and bisecting the angle formed by the two (2) building facades (see Figure 92.10.G):
  - a) A bay window or turret.
  - b) A roof deck.
  - c) Balconies above the ground floor.
  - d) A building corner setback notch or curved facade surface.
  - e) Sculpture or artwork, either bas-relief or figurative.
  - f) Distinctive use of facade materials.
- 5) Provide special or unique treatment, other than the use of fabric or vinyl awnings, for pedestrian weather protection at the corner of the building.

**Options for Corner Setback Configurations**

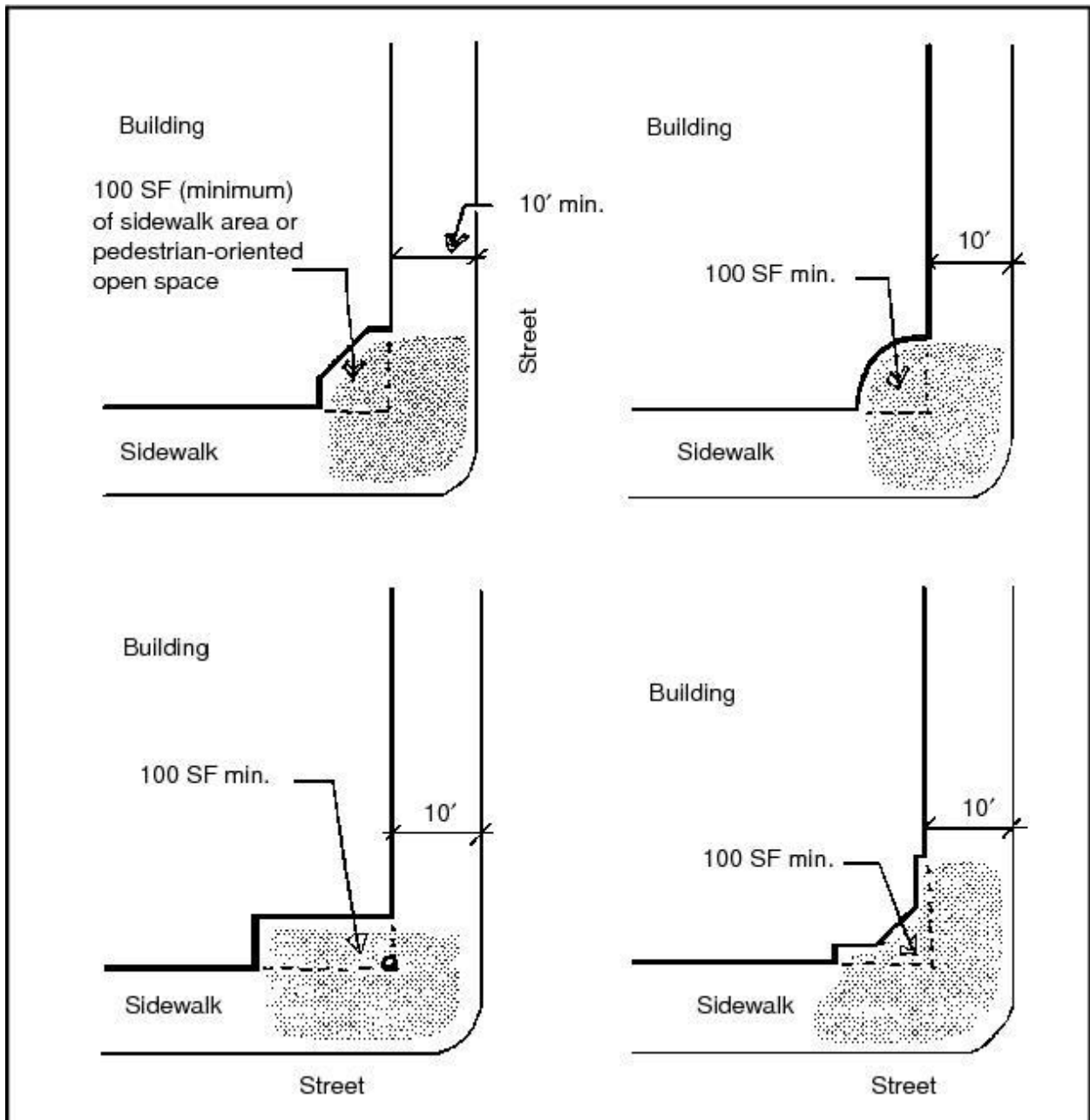


FIGURE 92.10.E

**Options for Corner Entry Elements**



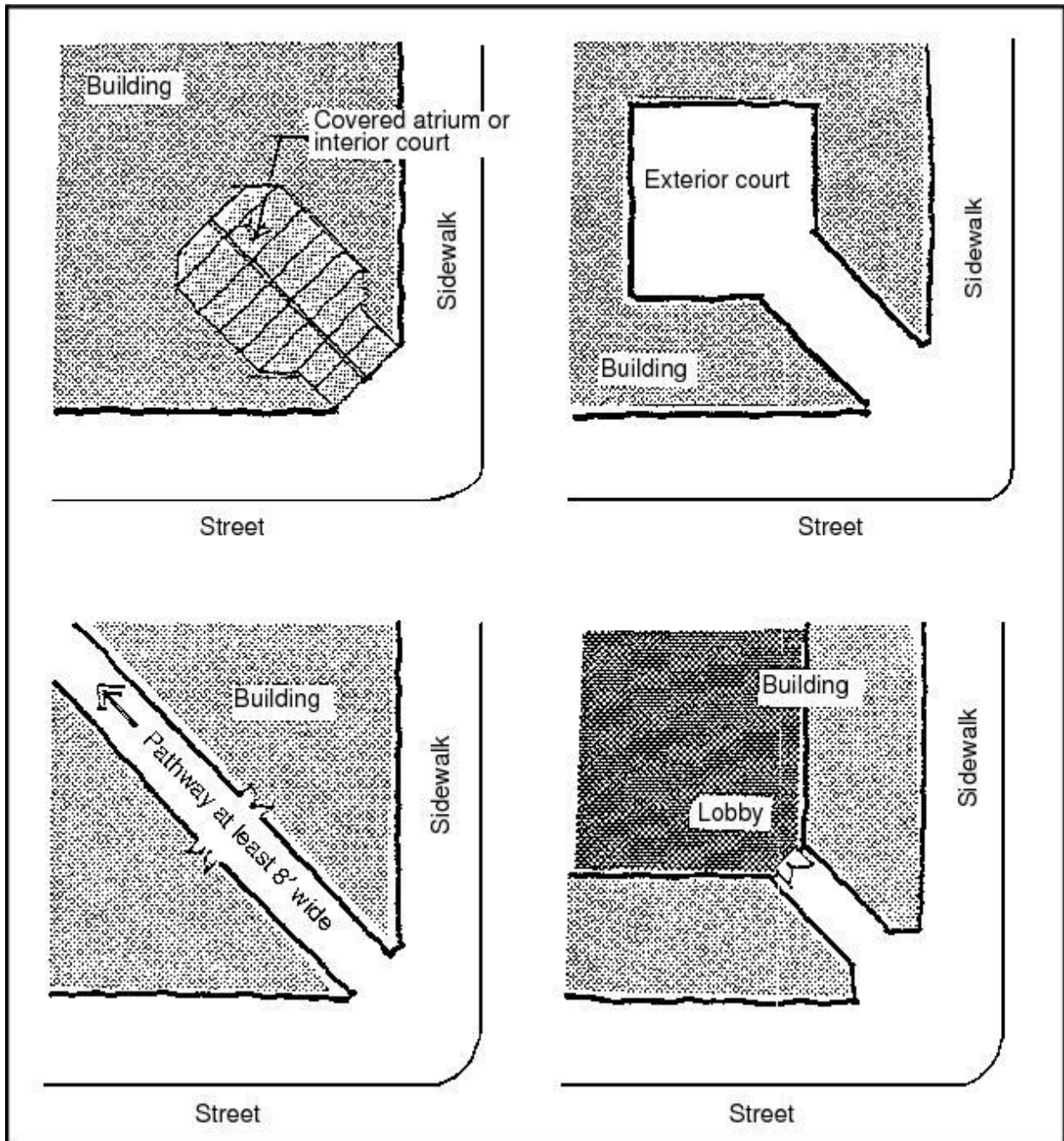


FIGURE 92.10.F

**Architectural Elements for Corners**

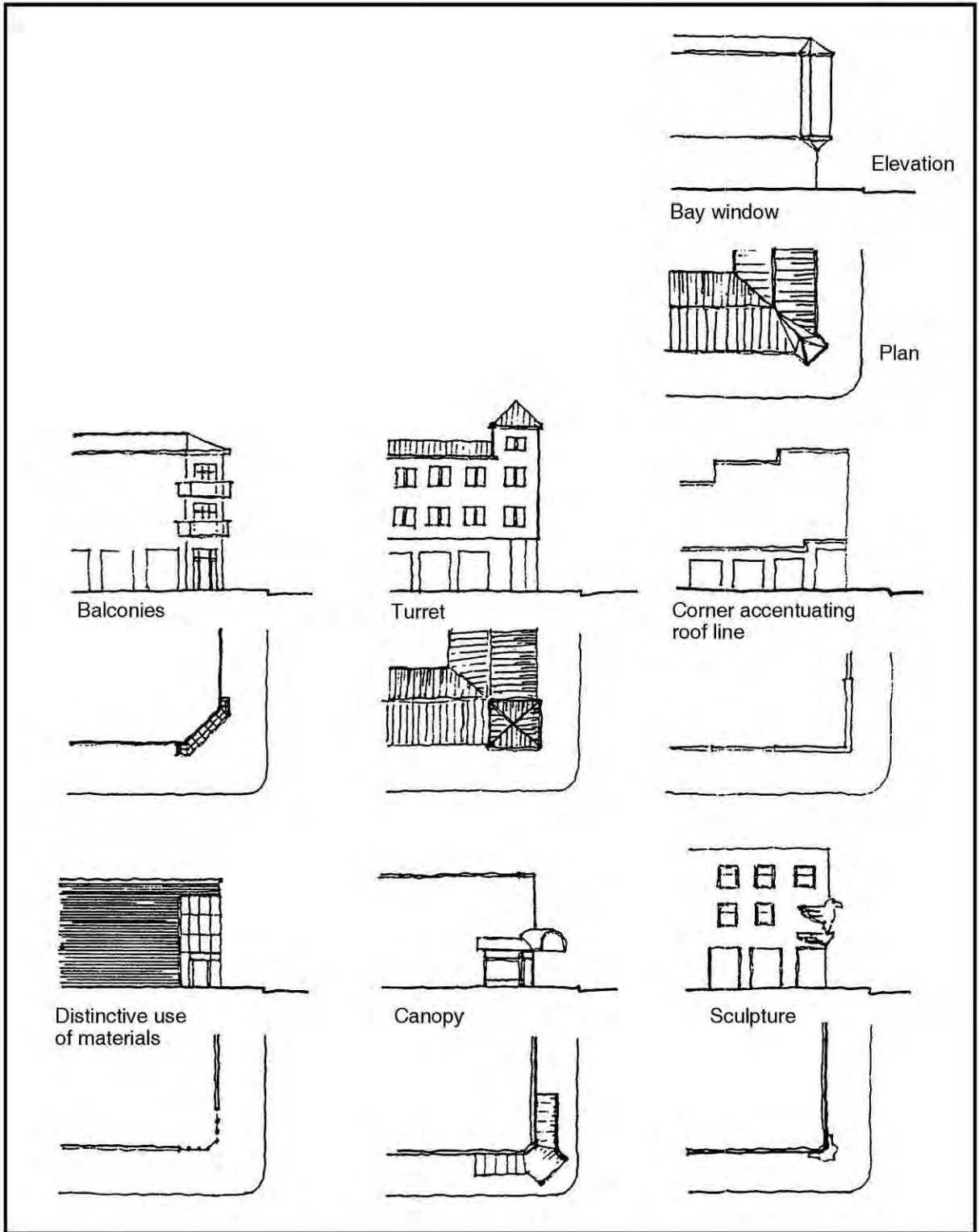


FIGURE 92.10.G

(Ord. 4495 § 2, 2015; Ord. 4333 § 1, 2011; Ord. 4238 § 2, 2010; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3972 § 1, 2004; Ord. 3889 § 2, 2003; Ord. 3833 § 1, 2002)

**92.15 Pedestrian-Oriented Improvements on or Adjacent to the Subject Property**

1. All Zones – Pedestrian-Oriented Space and Plazas in Parking Areas – The applicant must provide at least 175 square feet of pedestrian-oriented space at the main building entrance in a central location, or adjacent to a parking area. This area must be raised at least six (6) inches above the parking lot surface and must be paved with concrete or unit pavers.

2. Pedestrian-Oriented Space and Plazas in BDC, CBD, BN, BNA, MSC 2, NRHBD, RHBD, FHNC and TLBD Zones

a. In the CBD, BN, BNA, MSC 2, FHNC or in BDC – If the subject property abuts a pedestrian-oriented street (see Plate 34 in Chapter 180 KZC) or public park, the space, if any, between the sidewalk and the building must be developed consistent with the following criteria:

- 1) Enhance visual and pedestrian access, including handicapped access, onto the subject property from the sidewalk.
- 2) Contain paved walking surface of either concrete or approved unit pavers.
- 3) Contain on-site or building-mounted lighting which provides adequate illumination.
- 4) Contain two (2) linear feet of seating area or one (1) individual seat per 65 square feet of area between the sidewalk and the building.
- 5) Contain landscaping such as trees, shrubs, trellises, or potted plants.
- 6) It may not include asphalt or gravel pavement or be adjacent to an unscreened parking area, a chain link fence or a blank wall which does not comply with the requirements of subsection (3) of this section, Blank Wall Treatment.
- 7) An alternative solution for the pedestrian-oriented space may be established through a Conceptual Master Plan in TL 2.

b. In the NRHBD Zones – If the subject property abuts a major pedestrian sidewalk on the southwest corner of NE 116th Street and 124th Avenue NE (see Plate 34 in Chapter 180 KZC), the space, if any, between the sidewalk and the building must be developed consistent with the following criteria:

- 1) Enhance visual and pedestrian access, including handicapped access, onto the subject property from the sidewalk.
- 2) Contain paved walking surface of either concrete or approved unit pavers.
- 3) Contain on-site or building-mounted lighting which provides adequate illumination.
- 4) Contain two (2) linear feet of seating area or one (1) individual seat per 65 square feet of area between the sidewalk and the building.
- 5) Contain landscaping, such as trees, shrubs, trellises, or potted plants.
- 6) In the alternative, the pedestrian-oriented space can be integrated with a pedestrian connection linking Slater Avenue NE and NE 116th Street, anywhere on the subject property, consistent with the criteria in subsections (2)(b)(1) through (5) of this section.

c. In the RHBD and TLBD Zones – All nonresidential uses must provide pedestrian-oriented space in conjunction with new development according to the formula below. For the purposes of this section, required pathways shall not count as pedestrian-oriented space. However, as part of the Design Review, the City may allow those portions of pathways widened beyond minimum requirements to count towards the required pedestrian-oriented space as long as such space meets the definition of pedestrian-oriented space.

1) Size: One (1) percent of the applicable lot area plus one (1) percent of the nonresidential building gross floor area. (See Figure 92.15.A).

- a) The City may exempt uses that are likely to generate very little customer/pedestrian activity and have few or no employees. These may include warehouse, storage, industrial, and other similar uses.

**Pedestrian-Oriented Space Requirement for Large Nonresidential Buildings Served by Surface Parking**

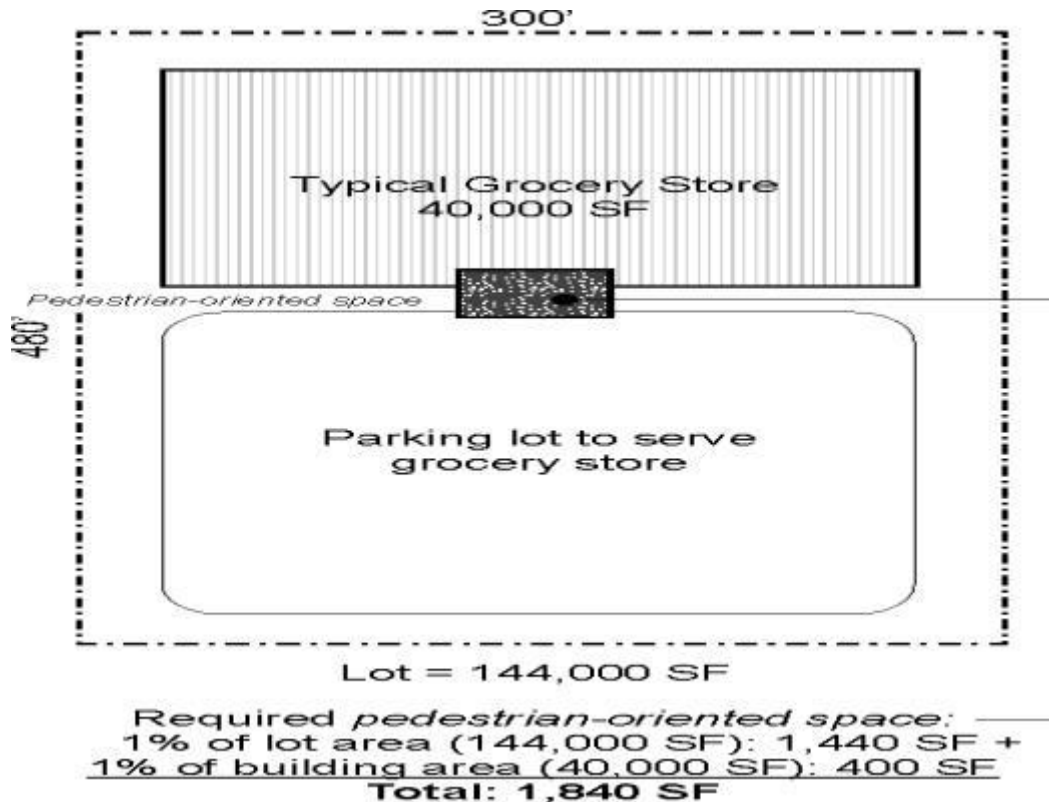


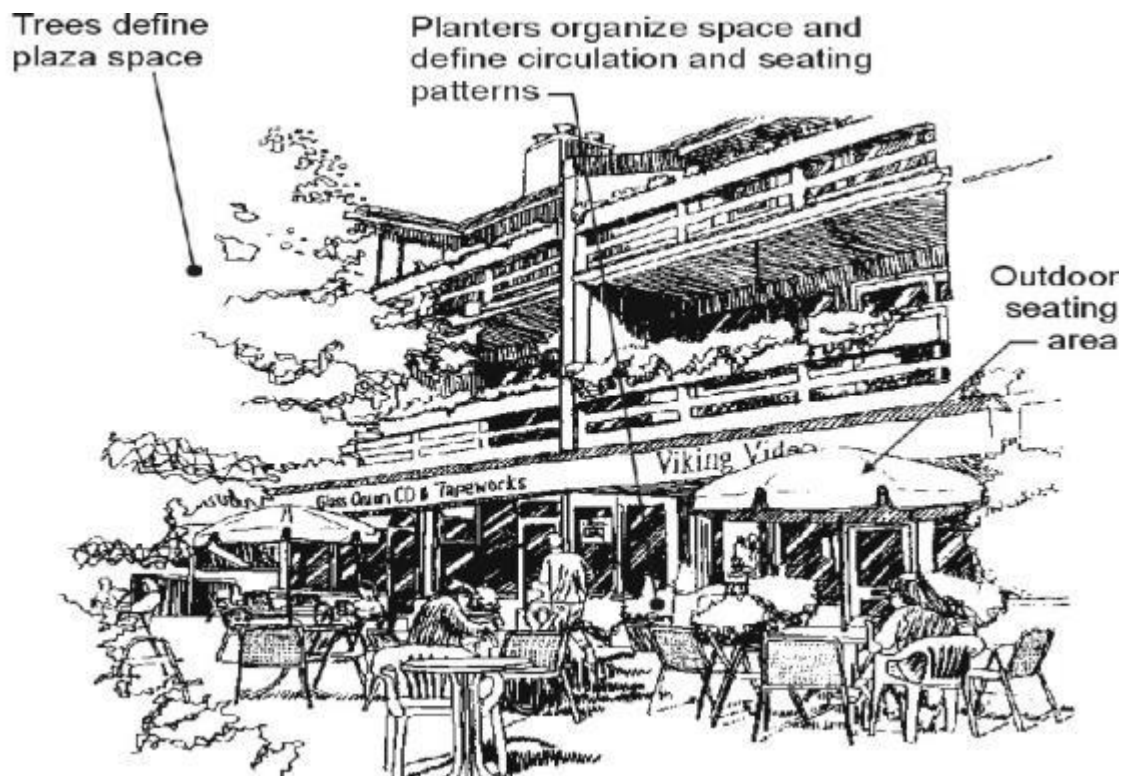
FIGURE 92.15.A

2) Design: To qualify as a pedestrian-oriented space, an area must have all of the following (see Figure 92.15.B):

- a) Pedestrian access to the abutting structures from the street, private drive, or a nonvehicular courtyard.
- b) Paved walking surfaces of either concrete or approved unit paving.
- c) Pedestrian-scaled lighting (no more than 15 feet in height) at a level averaging at least two (2) foot-candles throughout the space. Lighting may be ground- or building-mounted lighting.
- d) Contain two (2) linear feet of seating area or one (1) individual seat per 65 square feet of area between the sidewalk and the building.
- e) Spaces must be positioned in areas with significant pedestrian traffic to provide interest and security – such as adjacent to a building entry.
- f) Landscaping covering at least 20 percent of the space (some of this may include potted plants). Such landscaping components must add seasonal interest to the space.

- 3) The following features are encouraged in a pedestrian-oriented space and may be required by the City:
- Pedestrian amenities such as a water feature, a drinking fountain, tables, and/or distinctive paving or artwork.
  - Provide pedestrian-oriented facades on some or all buildings facing the space.
  - Consideration of the sun angle and the wind pattern in the design of the open space.
  - Transitional zones along building edges to allow for outdoor eating areas and a planted buffer.
  - Movable seating.
- 4) The following features are prohibited within pedestrian-oriented space:
- Asphalt or gravel pavement.
  - Adjacent unscreened parking lots.
  - Adjacent chain link fences.
  - Adjacent “blank walls.”
  - Adjacent dumpsters or service areas.
  - Outdoor storage or retail sales that do not contribute to the pedestrian environment.

#### An Example of a Pedestrian-Oriented Space





## 5FIGURE 92.15.B

## 3. Blank Wall Treatment

a. Blank Wall Defined – All Zones – A blank wall is any wall or portion of a wall that meets either of the following criteria (see Figure 92.15.C):

- 1) A wall or portion of a wall with a surface area of at least 400 square feet having both a length and a width of at least 10 feet without a window, door, building modulation at least one (1) foot in depth or other architectural feature.
- 2) Any wall or portion of a wall between four (4) feet and 13 feet above ground level with a horizontal dimension longer than 15 feet without a window, door, building modulation at least one (1) foot in depth or other architectural feature.

b. Blank Wall Treatments – All Zones – Each blank wall that is visible from any right-of-way, internal access road, pedestrian-oriented space, or through-block pathway must be screened or treated in at least one (1) of the ways listed in subsection (3)(c) of this section if it meets the criteria for a blank wall under subsection (3)(a) of this section. Internal roadways used primarily for service access and not visible from a street, pedestrian-oriented space or through-block pathways are exempt from this requirement.

### Designating Blank Walls

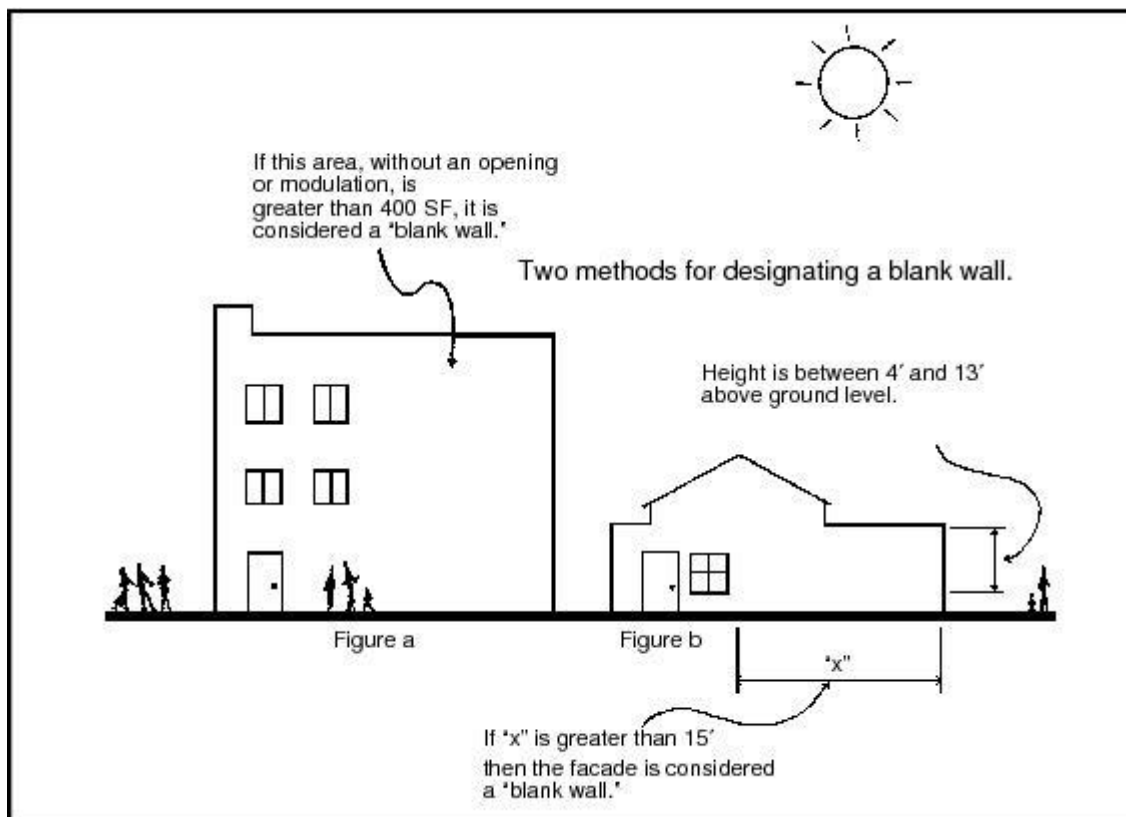


FIGURE 92.15.C

c. Blank Wall Treatment Standards in All Zones – At least one (1) of the following techniques must be used to treat or screen blank walls:

- 1) By the installation of a vertical trellis with climbing vines or plant material in front of the blank wall.
  - 2) By providing a landscaped planting bed at least five (5) feet wide or a raised planter bed at least two (2) feet high and three (3) feet wide in front of the blank wall and planted with plant materials that will obscure or screen at least 50 percent of the blank wall within two (2) years.
  - 3) By providing artwork, such as mosaics, murals, sculptures or bas-relief on the blank wall.
  - 4) By proposing alternative techniques as part of the Design Review process.
- d. All Zones – Modifications – The provisions of this subsection (3) may be modified or eliminated as part of the Design Review decision if they conflict with the International Building Code.

#### Pedestrian-Friendly Building Facade Requirements

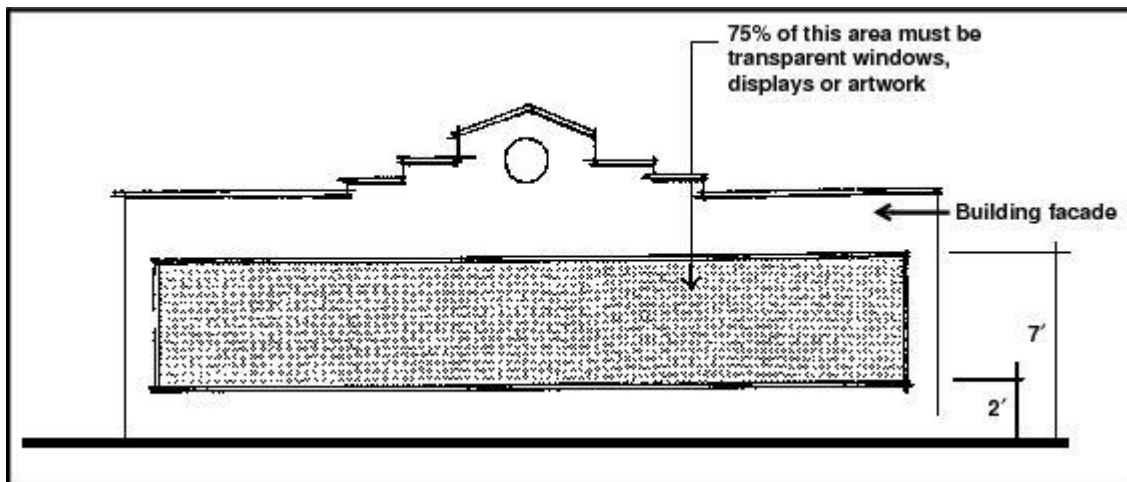


FIGURE 92.15.D

- e. Treatment of Building Facades in CBD – In the CBD, each facade of a building facing a pedestrian-oriented street or public park must contain or be treated with at least one (1) of the following elements:
- 1) It must contain transparent windows or window displays comprising at least 75 percent of the area of the facade between two (2) feet and seven (7) feet above ground level (see Figure 92.15.D).
  - 2) It must contain sculptural, mosaic or bas-relief artwork comprising at least 75 percent of the area of the facade between two (2) feet and seven (7) feet above ground level (see Figure 92.15.D).
  - 3) The area next to the facade must be developed such that for every 10 linear feet of the facade, at least 20 square feet of this area must be developed with landscaping consistent with subsection (3)(c)(1) or (2) of this section, depending on the location, dimensions, and size of the area.
4. Parking Garages
- a. All Zones – Each facade of a garage or a building containing ground floor parking must either:
- 1) Provide and maintain a ground floor area of the garage or building extending along the entire facade of the garage or building (excluding vehicle access points) which is developed as and made available for pedestrian-oriented businesses (see Figure 92.15.E); or

### Providing Space for Pedestrian-Oriented Business

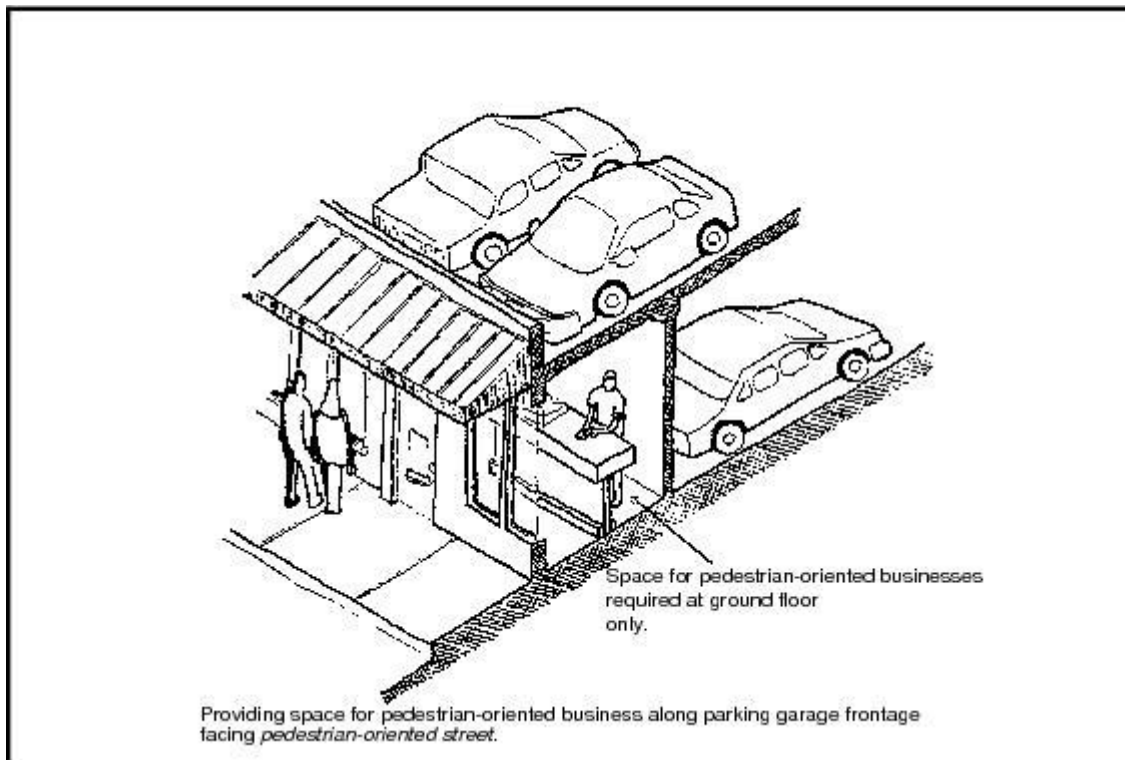


FIGURE 92.15.E

- 2) Provide and maintain a pedestrian-oriented space, at least 10 feet in depth and extending along the entire facade of the garage or building (excluding vehicle access points); or
  - 3) Treat the facade consistent with subsection (3)(e)(1), (2) or (3) of this section, treatment of building facades; or
  - 4) A combination of methods described above.
- b. All Zones – There must be architectural screening or other treatment of openings above the ground level for the facades of parking garages along the Market Street Corridor, pedestrian-oriented streets, through-block pathways and major pedestrian sidewalks.
- c. RHBD and TLBD Zones – Structures containing parking on the ground floor:
- 1) Parking structures on designated pedestrian-oriented streets shall provide space for ground-floor commercial uses along street frontages at a minimum of 75 percent of the frontage width. The entire facade facing a pedestrian-oriented street must feature a pedestrian-oriented facade.
  - 2) Parking structures adjacent to non-pedestrian-oriented streets may be located adjacent to a sidewalk where they provide space for ground-floor commercial uses along street frontages at a minimum of 75 percent of the frontage width and include a pedestrian-oriented facade along the applicable frontage.
  - 3) Parking structures adjacent to non-pedestrian-oriented streets and not featuring a pedestrian-oriented facade shall be set back at least 10 feet from the sidewalk and feature substantial landscaping between the sidewalk and the structure. This includes a combination of evergreen and deciduous trees (one (1) per 20

lineal feet), shrubs (one (1) per 20 square feet), and ground cover (sufficient to cover 90 percent of the area within three (3) years). Other treatments will be considered in the Design Review process.

- 4) Parking garage entries shall be designed and sited to complement, not subordinate, the pedestrian entry. If possible, locate the parking entry away from the primary street, to either the side or rear of the building.
- 5) The design of structured parking at finished grade under a building shall minimize the apparent width of garage entries.
- 6) Parking within the building shall be enclosed or screened through any combination of walls, decorative grilles, or trellis work with landscaping.
- 7) Parking garages shall be designed to be complementary with adjacent buildings. Use similar forms, materials, and/or details to enhance garages.
- 8) Parking structure service and storage functions shall be located away from the street edge and generally not be visible from the street or sidewalks.

(Ord. 4495 § 2, 2015; Ord. 4390 § 1, 2012; Ord. 4107 § 1, 2007; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3972 § 1, 2004; Ord. 3833 § 1, 2002)

### **92.30 Architectural and Human Scale**

#### **1. Techniques To Moderate Bulk and Mass in the CBD**

a. General – This section establishes required techniques to be used in the design and construction of building facades in specific areas of the CBD. The applicant shall comply with the techniques listed below in order to reduce the perceived bulk and mass of large structures by dividing the building mass into smaller-scale components. As an alternative, the City may approve other techniques, elements, or methods if consistent with the following criteria:

- 1) The alternative is generally consistent with the downtown plan provisions of the Comprehensive Plan and the design guidelines.
- 2) The alternative clearly provides superior moderation of the architectural bulk and mass than would result from strict application of the required techniques.

b. Vertical Definition – The applicant shall comply with the following requirements to moderate the horizontal scale of buildings:

- 1) All CBD Zones – The maximum length of any facade facing a street is 70 feet without vertical definition. Vertical definition may be in the form of changes in color and materials, modulations of sufficient width and depth to define the vertical element, or some combination of these techniques. This vertical element should carry through all floors of the building.
- 2) CBD 4, CBD 6, CBD 8 – Along First Street, Second Street South, First Avenue South, and Fifth Street, the maximum length of a facade is 120 feet. Any facade that exceeds 120 feet along the right-of-way shall comply with the following requirements (see Figure 92.30.A):
  - a) Shall be divided by a 30-foot-wide modulation of the exterior wall so the maximum length of the facade is 120 feet without this modulation.
  - b) The modulation shall be 20 feet in depth and shall start at finished grade and extend through all floors.
  - c) Decks and roof overhangs may encroach up to three (3) feet (per side) into the modulation.

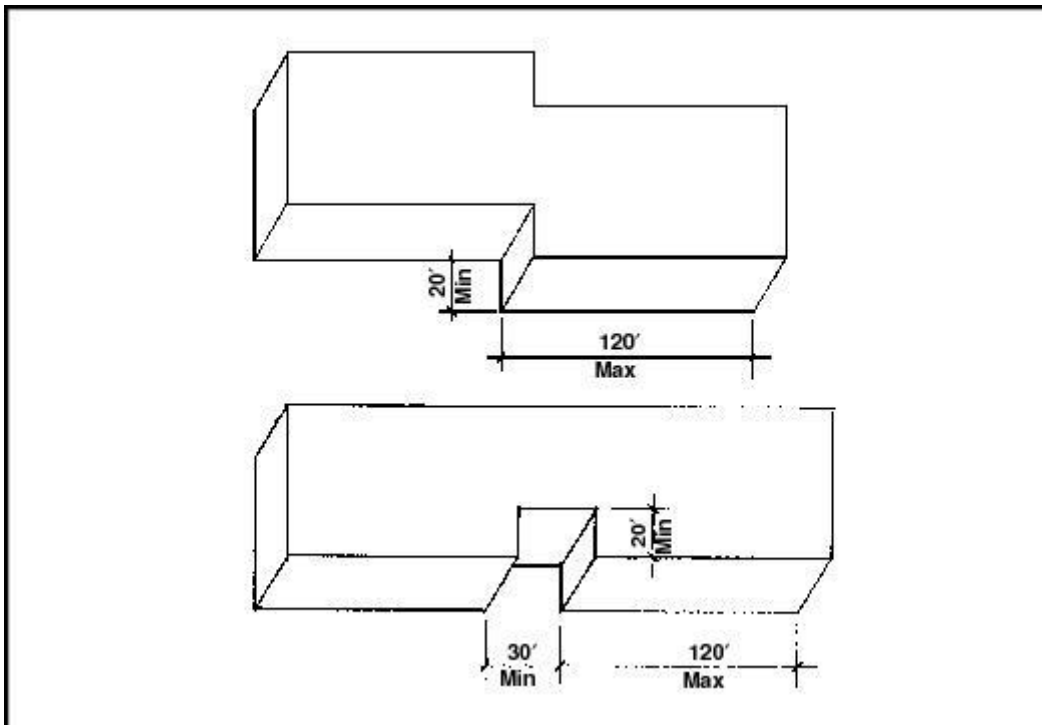
**Vertical Definition: CBD 4, 6, and 8**

FIGURE 92.30.A

3) CBD 6, CBD 8: Along the axes of all buildings which are predominantly east-west and/or most closely parallel to Central Way, Third Avenue, Fourth Avenue, or Sixth Avenue, the maximum length of a building is 120 feet. The following exceptions apply (see Figure 92.30.B):

- a) Portions of buildings which are below the elevation of Third Avenue, Fourth Avenue, or Sixth Avenue, as measured at the midpoint of the frontage of the subject property on the applicable right-of-way, may exceed the 120-foot limitation.
- b) Portions of the building above Third Avenue, Fourth Avenue, or Sixth Avenue shall be divided into two (2) or more distinct building masses with a maximum length of 120 feet separated by at least 20 feet in width.
- c) Decks, bay windows, roof overhangs, and chimneys may encroach up to three (3) feet (per side) into the separation.

**Vertical Definition: CBD 6 and 8**



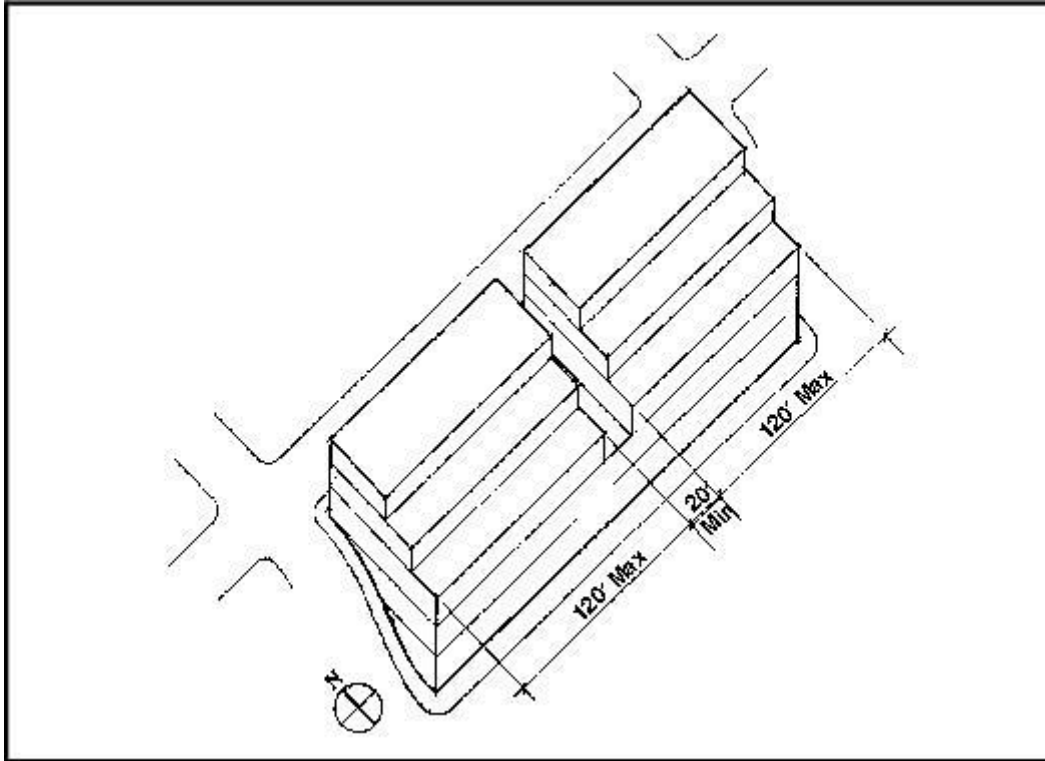


FIGURE 92.30.B

2. Horizontal Definition in All Zones – The applicant shall comply with the following requirements to moderate the vertical scale of buildings. All buildings shall include design techniques which clearly define the building’s top, middle, and bottom (see Figure 92.30.C). The following techniques are suggested methods of achieving vertical articulation:

- a. Top: Sloped roofs, strong eave lines, cornice treatments, horizontal trellises, or sunshades, etc.
- b. Middle: Windows, balconies, material changes, railings, and similar treatments that unify the building design.
- c. Bottom: Pedestrian-oriented storefronts, pedestrian-scale building details, awnings, arcades, “earth” materials such as concrete stone, stucco, etc.

Where appropriate, the applicant should coordinate the horizontal elements (i.e., cornices, window lines, arcades, etc.) in a pattern and height to reflect similar elements on neighboring buildings.

**Horizontal Definition: Articulation of Buildings’ Top, Middle and Bottom**

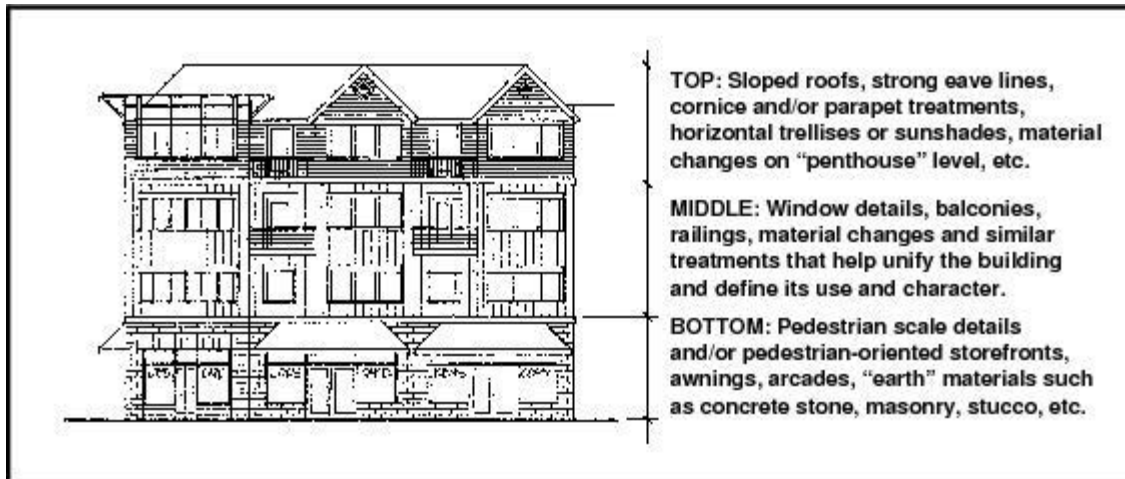


FIGURE 92.30.C

### 3. Techniques To Moderate Bulk and Mass in the RHBD and TLBD Zones

a. Along all streets, through-block pathways, and public open spaces, the maximum length of a facade is 120 feet. Any facade that exceeds 120 feet along the right-of-way shall comply with the following requirements (see Figure 92.30.A):

- 1) Shall be divided by a 30-foot-wide modulation of the exterior wall so the maximum length of the facade is 120 feet without this modulation.
- 2) The modulation shall be 20 feet in depth and shall start at finished grade and extend through all floors.
- 3) Decks and roof overhangs may encroach up to three (3) feet (per side) into the modulation.

4. Techniques To Achieve Architectural Scale in All Zones – The applicant shall use at least two (2) of the following elements and features in the design and construction of all buildings that are three (3) or more stories or have a building footprint of more than 10,000 square feet. As an alternative, the applicant may propose slight variations from the required dimensions noted in the following techniques, or other methods to comply with the requirements of this subsection. The City may approve the proposal if it is consistent with the design guidelines and the Comprehensive Plan.

a. All stories above the second story must be set back at least 10 feet from the ground floor facade along at least two (2) facades of the building.

b. Horizontal Building Modulation – On all building facades visible from a street or public park, provide horizontal modulation consistent with all of the following standards:

- 1) The maximum allowable horizontal dimension of the facade between modulations is 70 feet;
- 2) The minimum depth of each modulation, except balconies, is 10 feet; and
- 3) The minimum width of each modulation, except balconies, is 15 feet.

c. On all building facades visible from a street or public park, provide balconies which are consistent with the following standards:

- 1) Balconies must be placed on at least every other floor above the ground floor;
- 2) The maximum distance between balconies, measured horizontally, is 100 feet; and

- 3) The minimum amount of floor area for each balcony is 100 square feet.
- d. Change in Roofline – Provide vertical modulation of the roof line of all facades of the building adjoining a street or public park. For buildings with flat, gabled, hipped or similar roofs, the maximum length of any continuous roof line, with a slope of less than three (3) feet vertical to 12 feet horizontal, is 50 feet without being modulated. If modulation is necessary, at least one (1) of the following methods must be used (see Figure 92.30.D):
- 1) The height of the visible roof line must change at least eight (8) feet if the adjacent roof segments are less than 50 feet in length.
  - 2) The height of the visible roof line must change at least 12 feet if the adjacent roof segments are greater than 50 feet in length.

#### Flat Roof Modulation Options

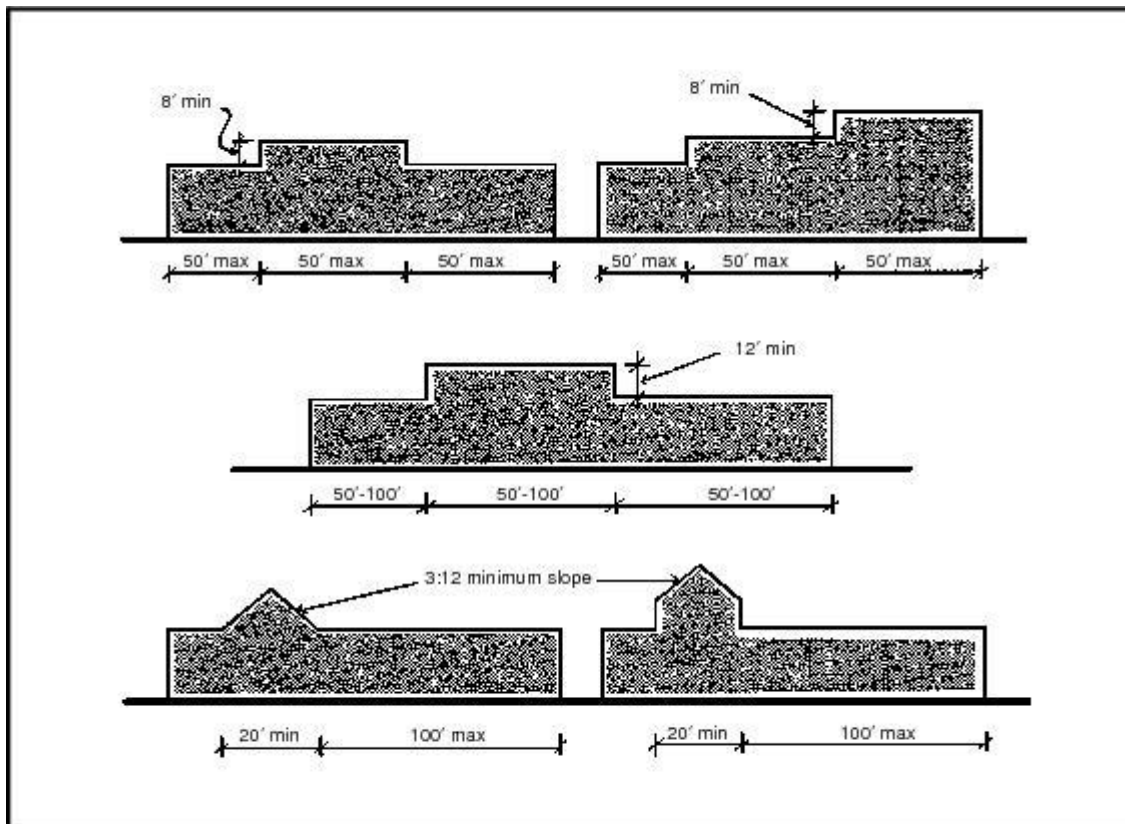


FIGURE 92.30.D

- 3) The length of a sloped or gabled roof line segment must be at least 20 feet. The minimum slope of the roof segment is three (3) feet vertical to 12 feet horizontal.
- e. Buildings with other roof forms, such as arched, gabled, vaulted, dormered or sawtooth, must have a significant change in slope or significant change in roof line at least every 100 feet.
5. Techniques To Achieve Architectural Scale in the RHBD and the TLBD Zones
- a. The following standards supplement the required techniques described in subsection (4) of this section. Where there are similar techniques, the standards in this section shall apply. All buildings in the RHBD and

TLBD zones shall include at least three (3) of the following modulation techniques at the articulation intervals described in subsection (5)(b) of this section along all facades containing the primary building entries (alley facades are exempt):

- 1) Repeating distinctive window patterns at intervals less than the articulation interval;
  - 2) Horizontal Building Modulation – Minimum depth of modulation is two (2) feet and minimum width for each modulation is four (4) feet if tied to a change in color or building material and roof line modulation as defined below. Otherwise, minimum depth of modulation is 10 feet (except balconies) and minimum width for each modulation is 15 feet;
  - 3) Providing a separate covered entry or separate weather protection feature for each articulation interval;
  - 4) Change of Roofline – To qualify for this measure, the maximum length of any continuous roofline shall not be less than the articulation interval and comply with the treatments below (see Figure 92.30.E):
    - a) For segments less than 50 feet in horizontal width, the height of visible roofline must change at least four (4) feet if tied to horizontal building modulation and at least eight (8) feet in other cases.
    - b) For segments more than 50 feet in horizontal width, the height of visible roofline must change at least six (6) feet if tied to horizontal building modulation and at least 12 feet in other cases.
    - c) The length of sloped or gabled roof line segments must be at least 20 feet. The minimum slope of the roof segment is three (3) feet vertical to 12 feet horizontal;
  - 5) Change in building material or siding style coordinated with horizontal building modulation and/or change in building color where appropriate;
  - 6) Providing lighting fixtures, trellis, tree, or other landscape feature within each interval;
  - 7) Alternative methods that achieve the desired architectural scale as approved by the City.
- b. Articulation Intervals – Modulation and/or articulation shall be provided at the following intervals:
- 1) No more than 30 feet for buildings containing residential uses on all floors above the ground floor;
  - 2) No more than 70 feet for nonresidential buildings (within RHBD, this applies to the Regional Center);
  - 3) RHBD – No more than 50 feet for nonresidential buildings in the Neighborhood Center;
  - 4) RHBD – No more than 30 feet for nonresidential buildings in the East End.

#### **Building Articulation and Modulation Techniques**

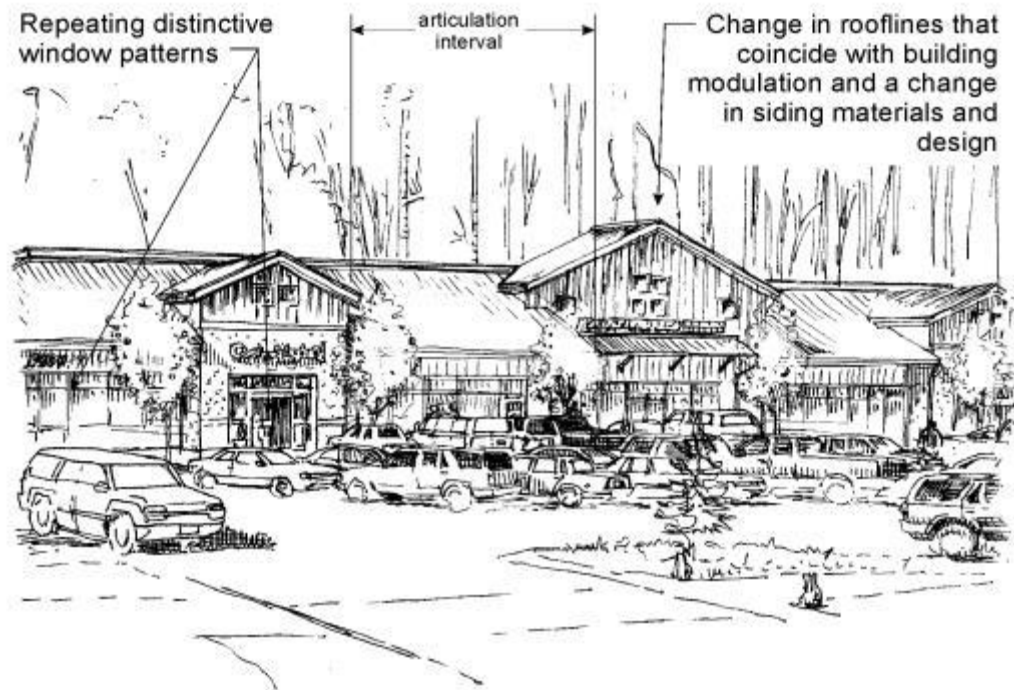


FIGURE 92.30.E

c. Techniques To Achieve Architectural Scale for Office Buildings in the RHBD and in the TLBD Outside of Business District Core

- 1) Office Building Design Standards for the TLBD and the RHBD's Regional Center – These standards are intended to supplement other building design standards that apply to the Totem Lake Business District and to the Regional Center. Where there is a conflict between standards, these standards shall apply as they are specific to office buildings.
  - a) Buildings must use design techniques to break up long continuous building walls, reduce the architectural scale of the building, and add visual interest. Specifically, any building facade longer than 120 feet in width must employ design techniques to limit the length of individual facades. To meet this requirement, buildings must utilize a combination of horizontal building modulation with a change in building materials or finishes, a clear change in building articulation and/or a change in fenestration technique (see Figure 92.30.F).

**This building uses an angled window wall over the primary building entry to break up the width of the facade:**





FIGURE 92.30.F

b) Buildings must employ design techniques to divide windows into units that give the building an identifiable scale (see Figure 92.30.G). Specifically:

- 1) Windows must be broken into units of 35 square feet or less with each window unit separated by a visible mullion or other element.
- 2) Multi-paned windows separated by mullions shall not exceed 20 feet in width and shall not exceed the height of individual floors.
- 3) Horizontal groupings of windows shall not exceed 30 feet in width. At least one (1) vertical architectural feature at least six (6) inches wide shall be used within the grouping to break up individual multi-paned windows. Architectural features at least two (2) feet in width shall separate such horizontal groupings of windows.
- 4) Siding material at least two (2) feet in height shall separate windows on each floor.
- 5) Building facades shall employ techniques to recess or project windows at least two (2) inches from the facade (see Figure 92.30.H).

**Standards to divide windows into units that will give buildings an identifiable sense of scale.**

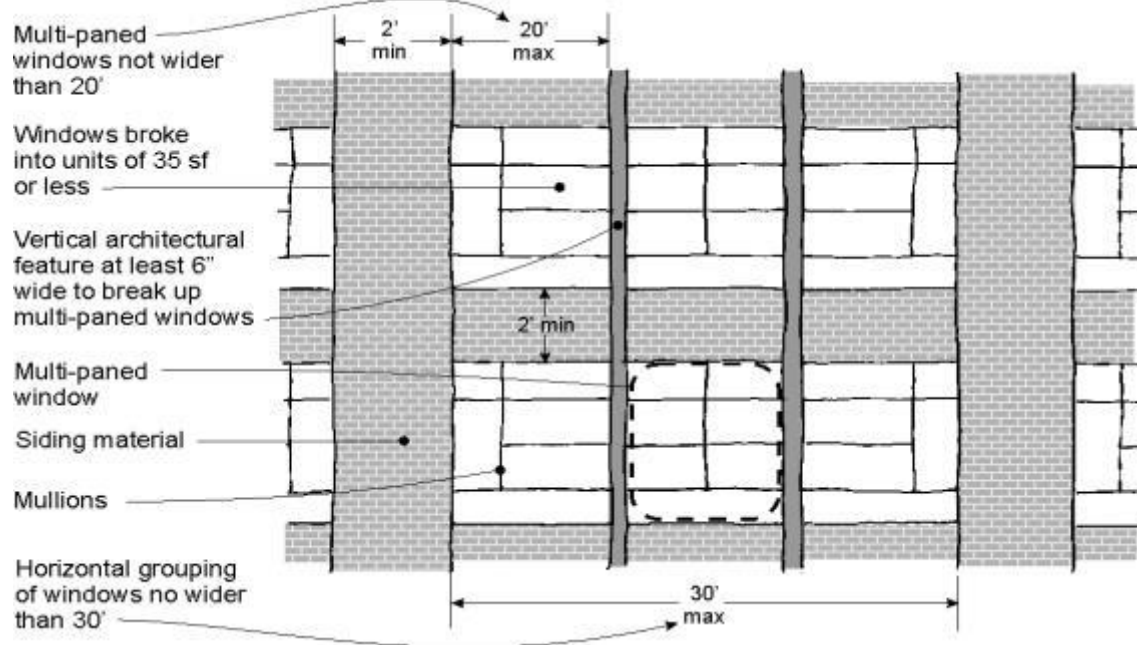


FIGURE 92.30.G

Some or all of these standards may be relaxed through the Design Review process where other methods can be effectively used to divide windows into units and give the building an identifiable scale.

- c) Continuous window walls are prohibited, except where used as an accent facade element to break up long continuous building walls and/or emphasize a building entry. Such window walls should be modulated horizontally, by at least two (2) feet, and should not exceed 20 feet in width.
- d) Mirrored glass and other highly reflective materials are prohibited (see Figure 92.30.I)

**Recessed windows, mullions and trim**



FIGURE 92.30.H

**Continuous window walls are prohibited unless used as an accent, such as in this building:**



FIGURE 92.30.I

.6. Achieving Human Scale in All Zones

## a. General

1) CBD – Except as provided in subsection (6)(a)(3) of this section, the applicant shall use at least two (2) of the elements or techniques listed in subsection (6)(b) of this section in the design and construction of each facade of a building facing a street or public park.

2) BN, JBD, NRHBD, RHBD, MSC, BDC, YBD and TLBD – Except as provided in subsection (6)(a)(3) of this section, the applicant shall use at least one (1) of the elements or techniques listed in subsection (6)(b) of this section in the design and construction of each facade of a 1-story building facing a street or through-block pathway, and at least two (2) of the elements or techniques for a 2-story building facing a street or through-block pathway (see Plate 34 in Chapter 180 KZC).

3) All Zones – The applicant shall use at least three (3) of the elements or techniques listed in subsection (6)(b) of this section in the design and construction of any facade of a building facing a street, through-block pathway or public park, if:

- a) The facade has a height of three (3) or more stories; or
- b) The facade is more than 100 feet long.

b. Techniques To Achieve Human Scale in All Zones – The techniques to be used in the design and construction of building facades under subsection (6)(a) of this section are listed below. As an alternative, the applicant may propose other techniques, elements or methods which provide human scale to the building and are consistent with the applicable design guidelines and the Comprehensive Plan.

1) On each story above the ground floor, provide balconies or decks, at least six (6) feet wide and six (6) feet deep.

2) On each story above the ground floor, provide bay windows that extend out at least one (1) foot, measured horizontally, from each facade of the building.

3) Provide at least 150 square feet of pedestrian-oriented space in front of each facade (see KZC 92.15(2)(c)(2)).

4) Provide at least one-half (1/2) of the window area above the ground floor of each facade consistent with all of the following criteria (see Figure 92.30.J):

- a) The windows must have glazed areas with dimensions less than five (5) feet by seven (7) feet.
- b) The windows must be surrounded by trim, molding and/or sill at least two (2) inches wide.

c) Individual window units must be separated from adjacent window units by at least six (6) inches of siding or other exterior finish material of the building.

5) Provide at least one-half (1/2) of the window area above the ground floor of each facade facing a street or public park in panes with dimensions less than two (2) feet by three (3) feet and with individual panes separated by window mullions (see Figure 92.30.K).

#### **Individual Windows Option**

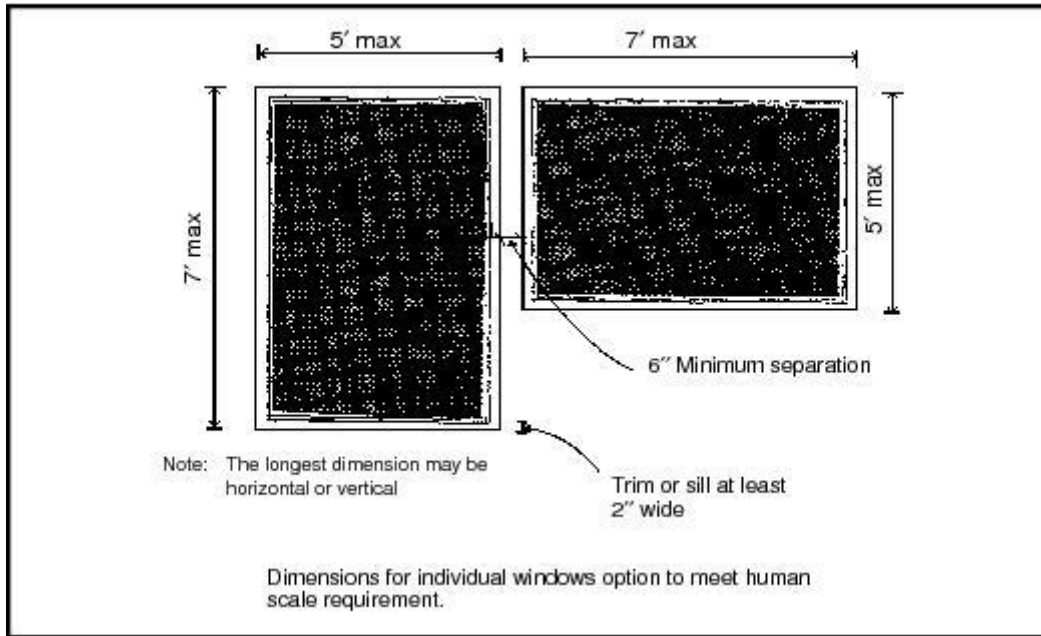


FIGURE 92.30.J

**Multiple-Paned Fenestration Option**

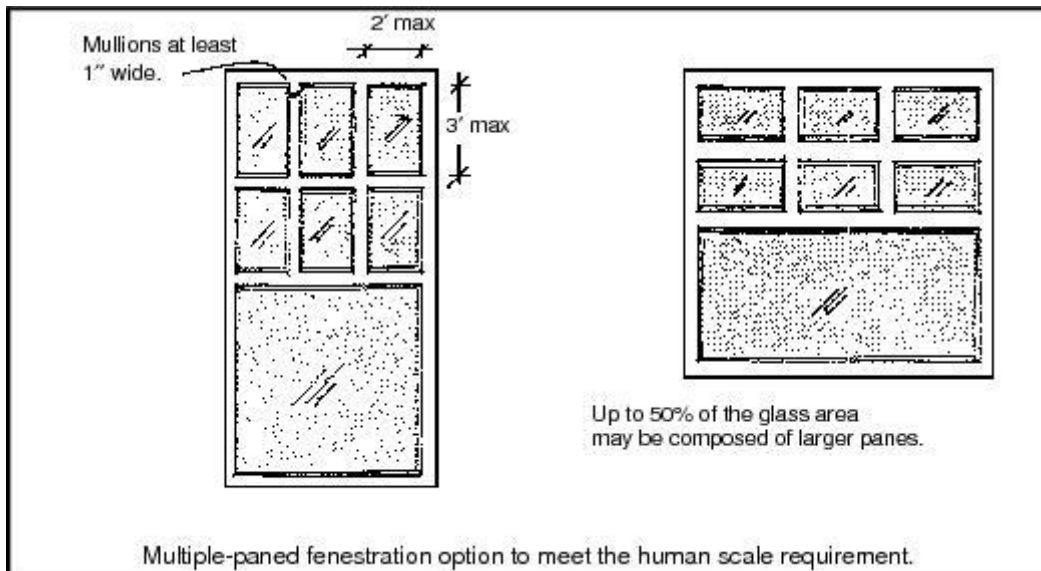


FIGURE 92.30.K

- 6) Provide a hipped or gable roof which covers at least one-half (1/2) of the building footprint and has a slope equal to or greater than three (3) feet vertical to 12 feet horizontal. To meet this requirement, the ridge width of a continuous roofline shall not extend more than 100 feet without modulation. This includes a gabled or other sloped roofline segment at least 20 feet in width.
- 7) If the main entrance of the building is on the facade of the building facing a street, through-block pathway, or public park, provide a covered porch or entry on the subject property at the building's main entrance. Pedestrian weather protection required under KZC 105.18 may not be used to meet this requirement unless the required pedestrian weather protection covers an area at least 15 feet long by 15

feet wide and is available for outdoor display or outdoor vendors or contains pedestrian-oriented improvements or amenities beyond what is otherwise required.

8) Provide one (1) or more stories above the ground floor setback at least six (6) feet from the ground floor facade facing the street, through-block pathway, or a public park.

9) Compose smaller building elements near the entry of a large building (see Figure 92.30.L).

c. Techniques To Achieve Human Scale in RHBD and TLBD – In addition to the requirements of subsection (6)(b) of this section, Techniques to Achieve Human Scale in All Zones, nonresidential uses (office, retail, industrial, etc.) in the RHBD and TLBD with over 40,000 square feet of floor area shall incorporate the following human scale features on the facade featuring the primary building entry:

- 1) Provide pedestrian-oriented space near the building entry. The minimum size of the area shall be no less than one (1) percent of the floor area of the use (see Figure 92.15.A). This must include a covered area at least 15 feet long by 15 feet wide and is available for outdoor display or outdoor vendors; and
- 2) Compose smaller building elements near the entry (see Figure 92.30.L).
- 3) As an alternative, the applicant may propose other mechanisms for providing human scale to such buildings, consistent with the design guidelines.

#### Composing Smaller Building Elements Near the Entry

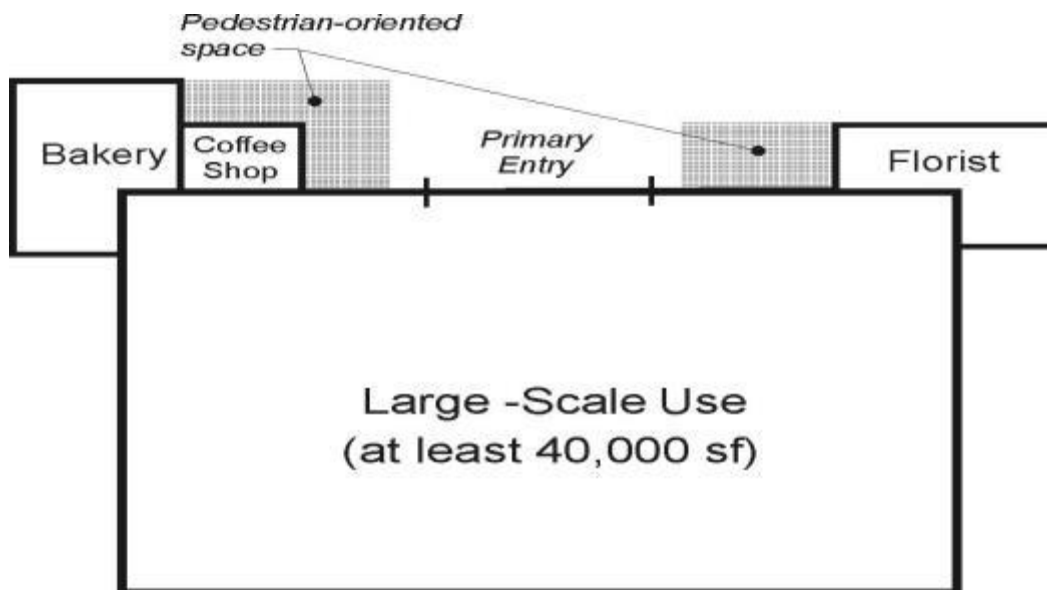


FIGURE 92.30.L

(Ord. 4495 § 2, 2015; Ord. 4390 § 1, 2012; Ord. 4333 § 1, 2011; Ord. 4107 § 1, 2007; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3972 § 1, 2004; Ord. 3889 § 2, 2003; Ord. 3833 § 1, 2002)

#### 92.35 Building Material, Color and Detail

1. Required Elements in All Zones – The applicant shall incorporate at least three (3) of the following elements on each facade of a building that faces a street, through-block pathway, pedestrian-oriented space or a public park. As an alternative, the applicant may propose other mechanisms for providing interesting visual detail to buildings, consistent with the design guidelines.



- a. Decorative roof lines, including ornamental molding, frieze or other roof line devices visible from the ground. Linear features must be at least eight (8) inches wide, measured vertically.
  - b. Decorative molding or framing details around all ground floor doors and windows. The molding or trim may have a traditional, contemporary, geometric or sculptural design.
  - c. Decorative glazing on all ground floor doors and windows, including stained glass, crystal cut glass, etched glass or similar individualized and permanent treatment, but excluding single-colored glass, opaque glass or plastic. On all ground floor windows, this decorative glazing must have a surface area of at least 30 square feet.
  - d. Railings, grill work, landscape guards or other similar elements including materials, design, configuration, embellishment or workmanship that exceeds the normal functional requirements for the element.
  - e. Trellises or arbors having an area of at least 100 square feet and planted consistent with the requirements of KZC 95.41 to achieve at least 30 percent coverage of the trellis or arbor with plant material within three (3) years.
  - f. Decorative light fixture or fixtures, either one (1) if one-of-a-kind or custom-built or one (1) every 30 feet along the facade of the building if not one-of-a-kind or custom-built, that meet either of the following criteria:
    - 1) Includes a diffuse, visible light source, such as a globe.
    - 2) Contains a shade or mounting that includes some use of material, configuration, shape, embellishment or detail that exceeds the normal functional requirement for the shade or mounting.
  - g. Use of any of the following decorative materials:
    - 1) Any of the following decorative masonry elements:
      - a) Decorative masonry patterns, other than running bond pattern.
      - b) Bricks, tile, stone, cast stone or other masonry units of at least two (2) colors installed in layers or tiers to form a geometric pattern.
      - c) Decorative bands of masonry, such as a soldier course of brick or multicolored ceramic tile band, in conjunction with another exterior surface material.
    - 2) Individualized wood patterns or continuous wood details, such as fancy butt shingles in a geometric pattern, decorative moldings, brackets, eave trim or lattice work.
    - 3) Ceramic tile, stone, glass blocks, camera glass or other similar materials incorporated into other compatible surface materials and used to form or create, or in conjunction with, a geometric pattern, distinctive shape, unusual surface treatment, special lighting or other decorative or textural element.
    - 4) Other materials with decorative or textural qualities, as demonstrated by architectural drawings and material samples, approved by the City as part of Design Review.
  - h. Decorative unit paving, including at least 50 square feet of multicolored tile, paver blocks, brick or other paving material in a decorative pattern, installed in a pedestrian-circulation area adjacent to the facade.
  - i. Artwork in the form of a mosaic mural, bas-relief sculpture, light sculpture, water sculpture, fountain, freestanding sculpture, art in pavement, murals, graphics or other forms, either freestanding in front of the facade or attached to the facade.
2. Prohibited Materials – All Zones – The following materials may not be used on any exterior surface which is visible from any area beyond the subject property:

- a. Mirrored glass and other highly reflective materials.
  - b. Corrugated fiberglass.
  - c. Chain link fencing, except for temporary purposes, such as during construction.
3. Metal Siding – All Zones – Corner and edge trim must be used to cover exposed edges of metal siding. If metal siding covers more than 25 percent of a building’s facade, the following regulations apply:
- a. The siding must have a matted finish.
  - b. The siding must be in a neutral, earth tone or dulled color such as buff, grey, beige, tan, creme, white, barn-red, blue-grey, burgundy or ocher.
  - c. The facade must have visible window and door trim painted or finished in a color which is complementary to the siding color.
4. Concrete Block – All Zones – Any concrete block, masonry unit or cinder block wall which is visible from a street or public park must contain one (1) or more of the following features or elements:
- a. Use of textured blocks with surfaces such as split-faced or grooved.
  - b. Use of colored mortar complementary to the color of the blocks.
  - c. Use of other surface material such as bricks, glass blocks or tile as a significant feature of the wall.
5. Awnings – All Zones – (See Chapter 105 for other pedestrian water protection requirements.)
- a. The design of awnings should complement the architecture of the building. Steel and glass, fabric, and other materials of a more permanent nature are encouraged. Vinyl or plastic awnings and awnings used predominantly for advertising are discouraged.
  - b. Translucent awnings shall not be backlit. Lights directed downward mounted from internal awning frames are permitted. Lights mounted above awnings and directed downward are permitted.
6. Covering of Existing Facades – All Zones – Existing brick or cast stone masonry facades may not be covered with metal siding, metal screening, plastic siding, fiberglass siding, plywood siding, or wood siding materials. Other existing facades may be covered if consistent with the provisions of this subsection (6). As part of Design Review for remodels, the City may require the removal of coverings.
7. Building Cornerstone or Plaque – All Zones – All commercial buildings designed for use by more than one (1) tenant must have a building cornerstone or plaque, placed in a prominent location, consistent with the following standards:
- a. Building cornerstones must be constructed in carved stone, cast stone, carved masonry, terra cotta or other vandal-resistant material.
  - b. Building plaques must be mounted no lower than two (2) feet and no higher than 10 feet above ground and must be made of bronze, brass, anodized aluminum, porcelain enamel-covered steel or aluminum or other corrosion-resistant material.
  - c. Building cornerstones and plaques must indicate the name of the building and, if known, the date of construction and architect.
  - d. Building cornerstones and plaques may include the owner’s name and other historical information.
8. Required On-Site Improvements – All Zones – Water spigots shall be provided on all building facades along sidewalks for cleaning and plant watering.

(Ord. 4238 § 2, 2010; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3972 § 1, 2004; Ord. 3833 § 1, 2002)

**KZC Chapter 95 TREE MANAGEMENT AND REQUIRED LANDSCAPING**

**95.42 Minimum Land Use Buffer Requirements**

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

LANDSCAPING CATEGORY	ADJOINING PROPERTY	*Public park or low density residential use or if no permitted use exists on the adjoining property then a low density zone.	Medium or high density residential use or if no permitted use exists on the adjoining property then a medium density or high density zone.	Institutional or office use or if no permitted use exists on the adjoining property then an institutional or office zone.	A commercial use or an industrial use or if no permitted use exists on the adjoining property then a commercial or industrial zone.
A		Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (2) (Buffering Standard 2)	
B		Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (1) (Buffering Standard 1)		
C		Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (2) (Buffering Standard 2)		
D		Must comply with subsection (2) (Buffering Standard 2)			
E					
<b>Footnotes:</b>		*If the adjoining property is zoned Central Business District, Juanita Business District, North Rose Hill Business District, Rose Hill Business District, <b>Finn Hill Neighborhood Center</b> , Business District Core or is located in TL 5, this section KZC 95.42 does not apply.			

This chart establishes which buffering standard applies in a particular case. The following subsections establish the specific requirement for each standard:

1. For standard 1, the applicant shall provide a 15-foot-wide landscaped strip with a 6-foot-high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See KZC 115.40 for additional fence standards. The land use buffer must be planted as follows:

- a. Trees planted at the rate of one (1) tree per 20 linear feet of land use buffer, with deciduous trees of two and one-half (2-1/2) inch caliper, minimum, and/or coniferous trees eight (8) feet in height, minimum. At least 70 percent of trees shall be evergreen. The trees shall be distributed evenly throughout the buffer, spaced no more than 20 feet apart on center.
- b. Large shrubs or a mix of shrubs planted to attain coverage of at least 60 percent of the land use buffer area within two (2) years, planted at the following sizes and spacing, depending on type:
  - 1) Low shrub – (mature size under three (3) feet tall), 1- or 2-gallon pot or balled and burlapped equivalent;

- 2) Medium shrub – (mature size from three (3) to six (6) feet tall), 2- or 3-gallon pot or balled and burlapped equivalent;
  - 3) Large shrub – (mature size over six (6) feet tall), 5-gallon pot or balled and burlapped equivalent.
- c. Living ground covers planted from either 4-inch pot with 12-inch spacing or 1-gallon pot with 18-inch spacing to cover within two (2) years 60 percent of the land use buffer not needed for viability of the shrubs or trees.
2. For standard 2, the applicant shall provide a 5-foot-wide landscaped strip with a 6-foot-high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See KZC 115.40 for additional fence standards. The landscaped strip must be planted as follows:
    - a. One (1) row of trees planted no more than 10 feet apart on center along the entire length of the buffer, with deciduous trees of 2-inch caliper, minimum, and/or coniferous trees at least six (6) feet in height, minimum. At least 50 percent of the required trees shall be evergreen.
    - b. Living ground covers planted from either 4-inch pot with 12-inch spacing or 1-gallon pot with 18-inch spacing to cover within two (2) years 60 percent of the land use buffer not needed for viability of the trees.
  3. Plant Standards. All plant materials used shall meet the most recent American Association of Nurserymen Standards for nursery stock: ANSI Z60.1.
  4. Location of the Land Use Buffer. The applicant shall provide the required buffer along the entire common border between the subject property and the adjoining property.
  5. Multiple Buffering Requirement. If the subject property borders more than one (1) adjoining property along the same property line, the applicant shall provide a gradual transition between different land use buffers. This transition must occur totally within the area which has the less stringent buffering requirement. The specific design of the transition must be approved by the City.
  6. Adjoining Property Containing Several Uses. If the adjoining property contains several permitted uses, the applicant may provide the least stringent land use buffer required for any of these uses.
  7. Subject Property Containing Several Uses. If the subject property contains more than one (1) use, the applicant shall comply with the land use buffering requirement that pertains to the use within the most stringent landscaping category that abuts the property to be buffered.
  8. Subject Property Containing School. If the subject property is occupied by a school, land use buffers are not required along property lines adjacent to a street.
  9. Encroachment into Land Use Buffer. Typical incidental extensions of structures such as chimneys, bay windows, greenhouse windows, cornices, eaves, awnings, and canopies may be permitted in land use buffers as set forth in KZC 115.115(3)(d); provided, that:
    - a. Buffer planting standards are met; and
    - b. Required plantings will be able to attain full size and form typical to their species.
- (Ord. 4495 § 2, 2015; Ord. 4238 § 2, 2010)



## **KZC 105 Parking Areas, Vehicle and Pedestrian Access and Related Improvements**

### **105.18 Pedestrian Access**

1. General – Promoting an interconnected network of pedestrian routes within neighborhoods is an important goal within the City. Providing pedestrian access from buildings to abutting rights-of-way, walkways and other uses on the subject property, and connections between properties help meet the objectives of nonmotorized transportation policies. Installing pedestrian connections and other pedestrian improvements with new development reduces the reliance on vehicles, reduces traffic congestion and promotes nonmotorized travel options and provides health benefits. This section establishes regulations for pedestrian access that primarily serves users of the subject property and for which dedication of public access rights is not required. KZC 105.19 establishes regulations for public pedestrian access for which dedication of public access is required.

2. Pedestrian Access – Location – All new development, except detached single-family and duplex uses, shall comply with the following pedestrian access requirements pursuant to the standards in subsection (3) of this section:

a. From Buildings to Sidewalks and Transit Facilities – Provide pedestrian walkways designed to minimize walking distance from the primary entrances to all buildings to the abutting right-of-way, pedestrian walkway and transit facilities pursuant to the applicable standard in subsection (3) of this section.

b. Between Uses on Subject Property – Provide pedestrian walkways between the primary entrances to all businesses, uses, and/or buildings on the subject property pursuant to the applicable standard in subsection (3) of this section.

c. Along Building Facades Not Adjacent to a Sidewalk in the Rose Hill Business District (RHBD) and Totem Lake Business District (TLBD) Design Districts – In RHBD and TLBD Design Districts, for buildings that do not front on a public sidewalk, a pedestrian walkway shall be provided along the entire facade of all building facades containing the primary entrance (see Figure 105.18.A). The walkway shall meet the through-block pedestrian pathway standards in KZC 105.19(2)(b) (see also Figure 105.19.A) except public dedication will typically not be required. Exceptions may be approved as part of Design Review in the following circumstances: where new development is less than 2,000 square feet of gross floor area, features a landscaped front yard area and parking is located to the side or rear, only direct pedestrian access shall be provided from the abutting sidewalk to the primary entrance to the buildings.

d. Between Properties – Provide pedestrian walkways connecting to adjacent properties pursuant to the applicable standards in subsection (3) of this section. Exceptions: Pedestrian connections to industrial uses are not required. The location for the access points at property edges and to adjacent lots shall be coordinated with existing and planned development to provide convenient pedestrian links between developments. Where there are topographic changes in elevation between properties, stairs or ramps shall be provided to make the pedestrian connection.

e. Through Parking Areas – All parking lots which contain more than 25 stalls must include pedestrian walkways through the parking lot to the main building entrance or a central location. The walkways must meet the development standards pursuant to subsection (3) of this section (see Figures 105.18.B and C).

f. Through Parking Garages – Provide marked pedestrian routes through parking garages from the parking area to the abutting public right-of-way and to the pedestrian entrance of the building. Install walkways pursuant to standards in subsection (3) of this section.

3. Pedestrian Access – Required Improvements

a. Pedestrian Walkway Standards – General – The applicant shall install pedestrian walkways pursuant to the following standards:

- 1) Must be at least five (5) feet wide;
- 2) Must be distinguishable from traffic lanes by painted markings, pavement material, texture, or raised in elevation;

- 3) Must have adequate lighting for security and safety. Lights must be nonglare and mounted no more than 20 feet above the ground;
- 4) Must be centrally located on the subject property;
- 5) Must be accessible;
- 6) Barriers which limit future pedestrian access between the subject property and adjacent properties are not permitted;
- 7) Easements to provide rights of access between adjacent properties shall be recorded prior to project occupancy.

b. Overhead Weather Protection – Location – The applicant shall provide pedestrian overhead weather protection in the following locations:

- 1) Along any portion of the building which is adjacent to a pedestrian walkway or sidewalk;
- 2) Over the primary exterior entrance to all buildings including residential units.
- 3) Exceptions in Design Districts:

In CBD Zones: Along at least 80 percent of the frontage of the subject property on each pedestrian-oriented street.

In RHBD, BN, BNA, MSC 2, **FHNC** and TLBD Zones: Along at least 75 percent of a pedestrian-oriented building facade.

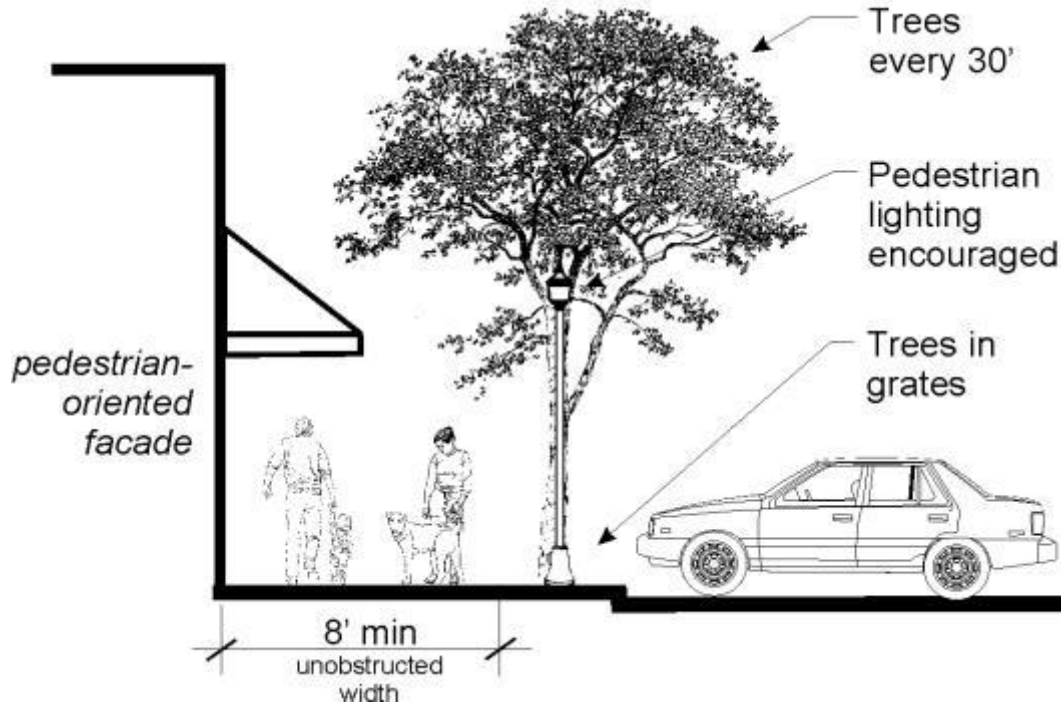
In JBD Zones: Along 100 percent of a building facade abutting a street or through-block pathway.

For more information regarding designated pedestrian-oriented streets see Plate 34 in Chapter 180 KZC, and pedestrian-oriented facades in Chapter 92 KZC.

c. Overhead Weather Protection – Configuration – The overhead weather protection may be composed of awnings, marquees, canopies, building overhangs, covered porches, recessed entries or other similar features. The overhead weather protection must cover at least five (5) feet of the width of the adjacent walkway and must be at least eight (8) feet above the ground immediately below it.

If development is subject to Design Review, the City will specifically review and approve the color, material and configuration of all overhead weather protection and the material and configuration of all pedestrian walkways as part of the Design Review decision.

#### **Pedestrian Walkway Along Building Facade**



**FIGURE 105.18.A**

d. Pedestrian Walkways Through Parking Areas and Parking Garage Standards – The applicant shall install pedestrian walkways through parking areas and parking garages pursuant to the following standards (see Figure 105.18.B):

- 1) Must be installed pursuant to the standards described in subsection (3)(a) of this section;
- 2) Walkway shall not use vehicle entrance or exit driveways from the parking area to a public right-of-way;
- 3) Must connect from the parking spaces to the pedestrian entrance of the building served by the parking.

**Pedestrian Access From Street or Pedestrian Walkway to Building Entrance**

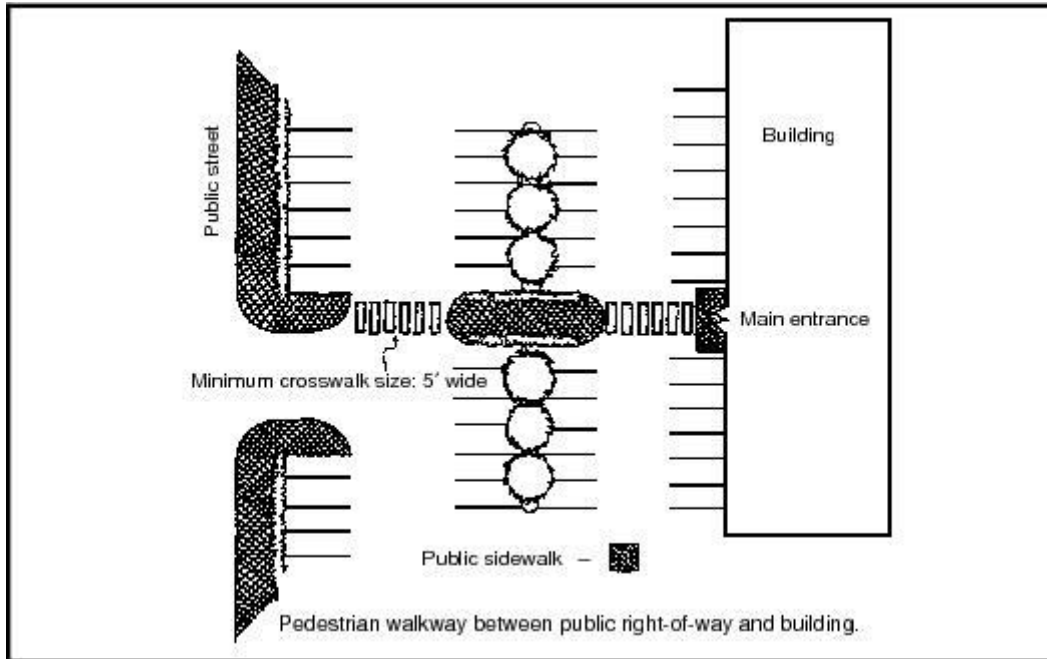


FIGURE 105.18.B

4) All parking lots that contain more than 25,000 square feet of paved area, including access lanes and driveways, must include clearly identified pedestrian routes from the parking stalls to the main building entrance or central location (see Figure 105.18.C). At a minimum, walkways must be provided for every three (3) driving aisles or at a distance of not more than 150-foot intervals, whichever is less, and meet the standards of subsection (3)(a) of this section.

Pathways must be provided through parking areas.

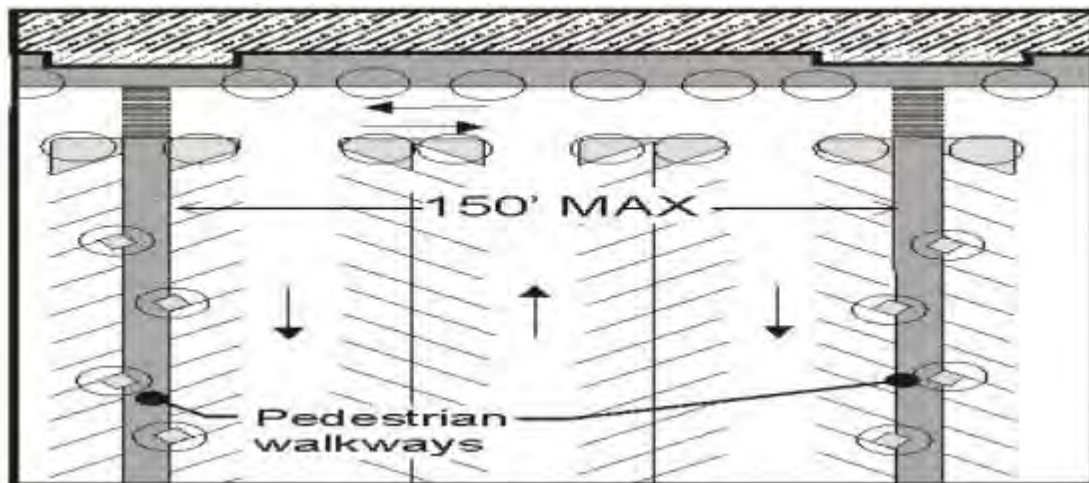


FIGURE 105.18.C

(Ord. 4495 § 2, 2015; Ord. 4390 § 1, 2012; Ord. 4350 § 1, 2012; Ord. 4320 § 1, 2011; Ord. 4121 § 1, 2008; Ord. 4097 § 1, 2007)

### **105.58 Location of Parking Areas Specific to Design Districts**

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If the subject property is located in a Design District, the applicant shall locate parking areas on the subject property according to the following requirements:

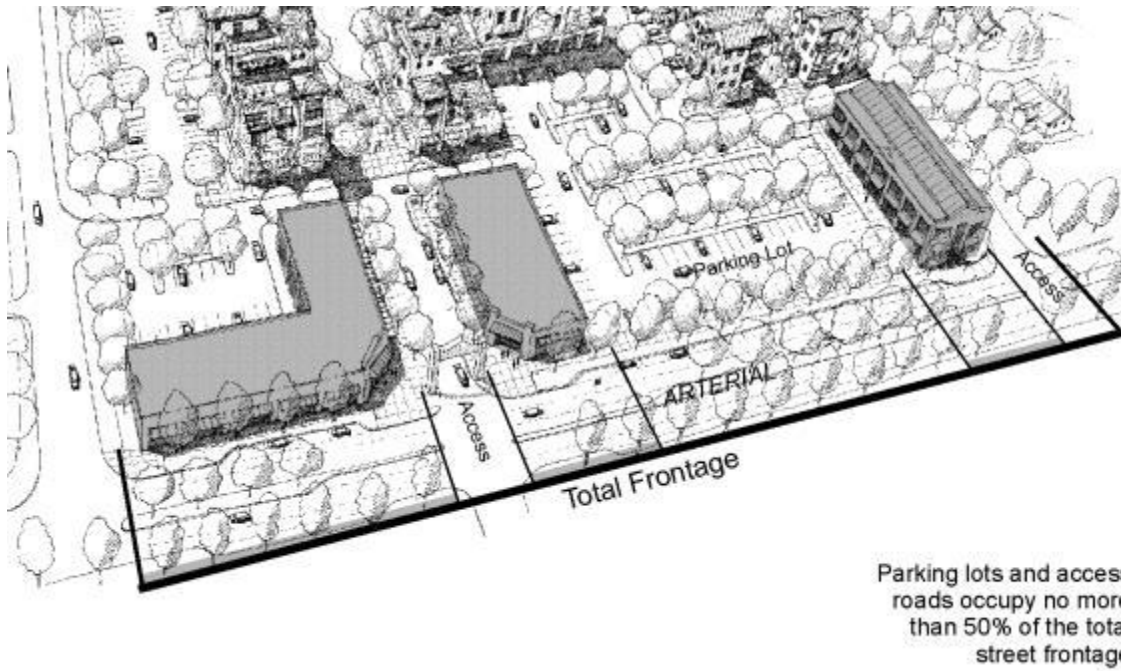
1. Location of Parking Areas in the CBD, BDC (TL 1, TL 2, TL 3) Zones
  - a. Parking areas shall not be located between a pedestrian-oriented street and a building unless specified in a Conceptual Master Plan in TL 2. (See Plate [34](#) in Chapter [180](#) KZC and Chapters [92](#) and [110](#) KZC for additional requirements regarding pedestrian-oriented streets).
  - b. On all other streets, parking lots shall not be located between the street and the building on the subject property unless no other feasible alternative exists.
2. Location of Parking Areas in the JBD 2, NRHBD and YBD Zones – Parking areas shall not be located between the street and the building unless no other feasible alternative exists on the subject property.
3. Location of Parking Areas in Certain TLBD and RHBD Zones – Parking areas and vehicular access may not occupy more than 50 percent of the street frontage in the following zones (see Figure 105.58.A):
  - a. TL 4, only properties fronting on 120th Avenue NE;
  - b. TL 5;
  - c. TL 6A, only properties fronting on 124th Avenue NE. Auto dealers in this zone are exempt from this requirement;
  - d. TL 6B, only properties fronting on NE 124th Street;
  - e. TL 10E.

Alternative configurations may be considered through the Design Review process, if the project meets the objectives of the KMC Design Guidelines for the Totem Lake Business District.

- f. In the Regional Center (RH 1A, RH 2A, RH 3 and RH 5A zones west of 124th Avenue). For parcels over two (2) acres in size, parking lots and vehicular access areas may not occupy more than 50 percent of the NE 85th Street property frontage (see Figure 105.58.A). Alternative



configurations will be considered through the Design Review process, if the project meets the intent of the KMC Design Guidelines for the Rose Hill Business District.



**FIGURE 105.58.A**

(Ord. 4495 § 2, 2015; Ord. 4390 § 1, 2012; Ord. 4333 § 1, 2011; Ord. 4307 § 1, 2011; Ord. 4107 § 1, 2007;  
Ord. 4097 § 1, 2007)

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### KZC 110.52 Sidewalks and Other Public Improvements in Design Districts

1. This section contains regulations that require various sidewalks, pedestrian circulation and pedestrian-oriented improvements on or adjacent to properties located in Design Districts subject to Design Review pursuant to Chapter 142 KZC, such as CBD, JBD, TLBD, BDC, RHBD, NRHBD and YBD zones.

The applicant must comply with the following development standards in accordance with the location and designation of the abutting right-of-way as a pedestrian-oriented street or major pedestrian sidewalk shown in Plate 34 of Chapter 180 KZC. See also Public Works Pre-Approved Plans manual for public improvements for each Design District. If the required sidewalk improvements cannot be accommodated within the existing right-of-way, the difference may be made up with a public easement over private property; provided, that a minimum of five (5) feet from the curb shall be retained as public right-of-way and may not be in an easement. Buildings may cantilever over such easement areas, flush with the property line in accordance with the International Building Code as adopted in KMC Title 21. (See Figure 110.52.A and Plate 34.)

2. Pedestrian-Oriented Street Standards – Unless a different standard is specified in the applicable use zone chart, the applicant shall install a 10-foot-wide sidewalk along the entire frontage of the subject property abutting each pedestrian-oriented street. (See Figure 110.52.A.)

#### Required Sidewalk on Pedestrian-Oriented Streets and Major Pedestrian Sidewalks

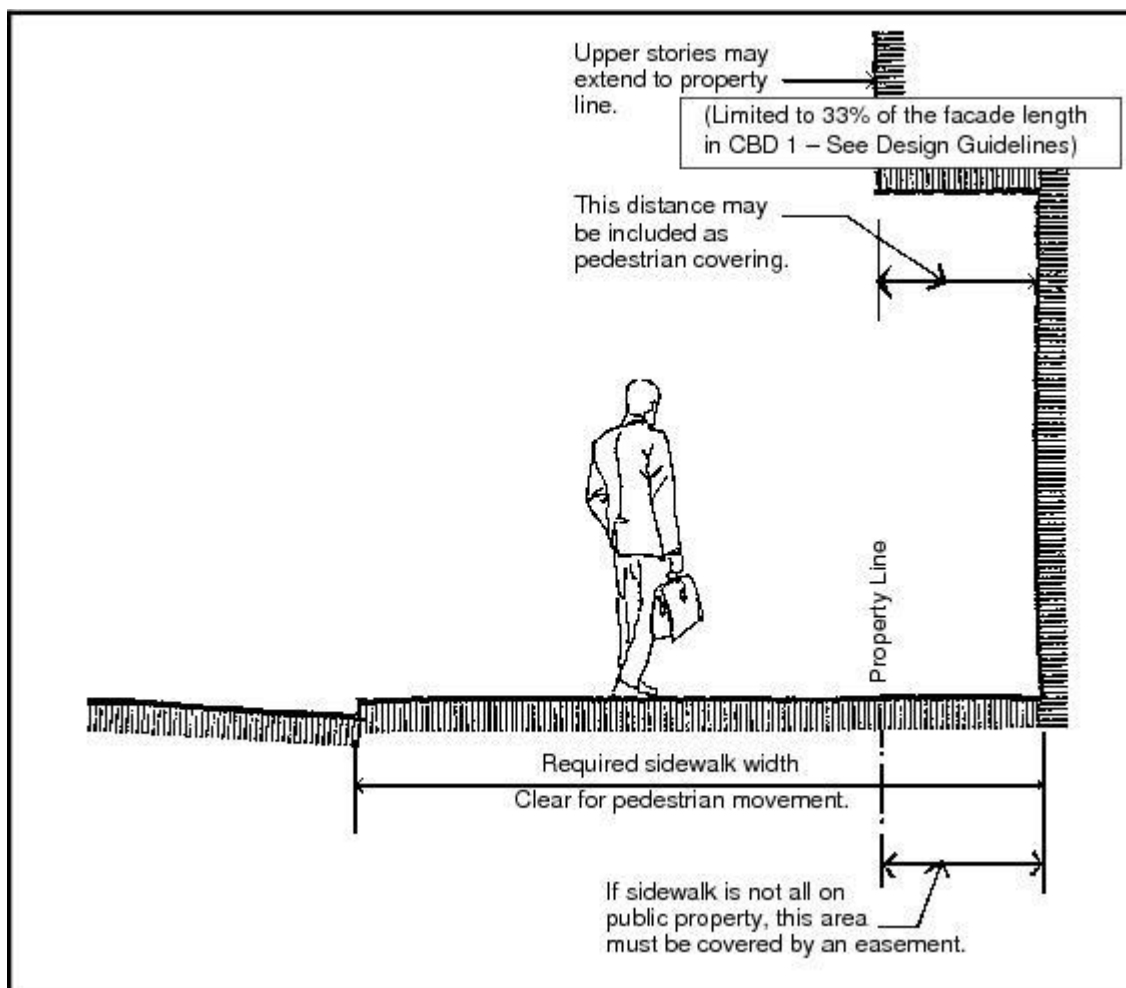


FIGURE 110.52.A

3. Major Pedestrian Sidewalk Standards – If the subject property abuts a street designated to contain a major pedestrian sidewalk in Plate 34, Chapter 180 KZC, the applicant shall install that sidewalk on and/or adjacent to the subject property consistent with the following standards:

- a. Install in the approximate location and make the connections shown in Plate 34;
- b. A sidewalk width of at least eight (8) feet, unless otherwise noted in Plate 34;
- c. Have adequate lighting with increased illumination around building entrances and transit stops; and
- d. If parcels are developed in aggregate, then alternative solutions may be proposed.

4. Streets in the Totem Lake Business District – Streets in the Totem Lake Business District designated as major pedestrian sidewalks in Plate 34.E that are also shown to be within the landscaped boulevard alignment or “Circulator” in Plate 34.D in Chapter 180 KZC may have varied or additional requirements, such as wider sidewalks, widened and meandering planting areas, continuous and clustered tree plantings, special lighting, directional signs, benches, varying pavement textures and public art, as determined by the Director of Public Works.

5. NE 85th Street Sidewalk Standards – If the subject property abuts NE 85th Street, the applicant shall install a minimum 6.5-foot-wide landscape strip planted with street trees located adjacent to the curb and a minimum 7-foot-wide sidewalk along the property frontage. Where the public right-of-way lacks adequate width to meet the previous standard, a 10-foot-wide sidewalk with street trees in tree grates may be permitted or in an easement established over private property.

(Ord. 4495 § 2, 2015; Ord. 4307 § 1, 2011; Ord. 4177 § 2, 2009; Ord. 4097 § 1, 2007)

## KZC 112.15 Affordable Housing Requirement

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### 1. Applicability –

a. Minimum Requirement – All developments creating four (4) or more new dwelling units in commercial, high density residential, medium density and office zones shall provide at least 10 percent of the units as affordable housing units and comply with the provisions of this chapter as established in the General Regulations or the Special Regulations for the specific use in Chapters [15](#) through [56](#) KZC. This subsection is not effective within the disapproval jurisdiction of the Houghton Community Council.

b. Voluntary Use – All other provisions of this chapter are available for use within the disapproval jurisdiction of the Houghton Community Council and in developments where the minimum requirement does not apply; provided, however, the provisions of this chapter are not available for use in developments located within the BN zone.

2. Calculation in Density-Limited Zones – For developments in density-limited zones, the required amount of affordable housing shall be calculated based on the number of dwelling units proposed prior to the addition of any bonus units allowed pursuant to KZC [112.20](#).

3. Calculation in CBD 5A, RH, TL, **FHNC** and PLA 5C Zones – For developments in the CBD 5A, RH, TL, **FHNC** and PLA 5C Zones, the required amount of affordable housing shall be calculated based on the total number of dwelling units proposed.

4. Rounding and Alternative Compliance – In all zones, the number of affordable housing units required is determined by rounding up to the next whole number of units if the fraction of the whole number is at least 0.66. KZC [112.30](#) establishes methods for alternative compliance, including payment in lieu of construction for portions of required affordable housing units that are less than 0.66 units.

(Ord. 4476 § 3, 2015; Ord. 4474 § 1, 2015; Ord. 4392 § 1, 2012; Ord. 4390 § 1, 2012; Ord. 4337 § 1, 2011; Ord. 4286 § 1, 2011; Ord. 4222 § 1, 2009; Ord. 3938 § 1, 2004)

## 112.20 Basic Affordable Housing Incentives

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1. Approval Process – The City will use the underlying permit process to review and decide upon an application utilizing the affordable housing incentives identified in this section.

## 2. Bonus

- a. Height Bonus. In RH, PLA 5C, **FHNC**, and TL use zones where there is no minimum lot size per dwelling unit, additional building height has been granted in exchange for affordable housing, as reflected in each Use Zone Chart for the RH, **FHNC** and TL zones and table for the PLA 5C zone.
- b. Development Capacity Bonus. On lots or portions of lots in the RH 8 use zone located more than 120 feet north of NE 85th Street, between 132nd Avenue NE and parcels abutting 131st Avenue NE, and in the CBD 5A use zone where there is no minimum lot size per dwelling unit, additional residential development capacity has been granted in exchange for affordable housing as reflected in the Use Zone Chart.
- c. Bonus Units. In use zones where the number of dwelling units allowed on the subject property is determined by dividing the lot size by the required minimum lot area per unit, two (2) additional units (“bonus units”) may be constructed for each affordable housing unit provided. (See Plate [32](#) for example of bonus unit calculations.)
- d. Maximum Unit Bonuses. The maximum number of bonus units achieved through a basic affordable housing incentive shall be 25 percent of the number of units allowed based on the underlying zone of the subject property.
- e. Density Bonus for Assisted Living Facilities. The affordable housing density bonus may be used for assisted living facilities to the extent that the bonus for affordable housing may not exceed 25 percent of the base density of the underlying zone of the subject property.



**KZC Chapter 142 – DESIGN REVIEW****142.37 Design Departure and Minor Variations**

1. General – This section provides a mechanism for obtaining approval to depart from strict adherence to the design regulations or for requesting minor variations from requirements in the following zones:

- a. In the CBD and YBD: minimum required yards; and
- b. In the Business District Core: minimum required yards, floor plate maximums and building separation requirements; and
- c. In the RHBD, FHNC, the PLA 5C zone, and the TLBD: minimum required yards, and landscape buffer; and
- d. In the MSC 1 and MSC 4 zones of the Market Street Corridor: minimum required front yards; and
- e. In the MSC 2 zone of the Market Street Corridor: height (up to an additional five (5) feet), and minimum required front yards.

This section does not apply when a design regulation permits the applicant to propose an alternate method for complying with it or the Use Zone Chart allows the applicant to request a reduced setback administratively.

2. Process – If a design departure or minor variation is requested, the D.R. decision, including the design departure or minor variation, will be reviewed and decided upon using the D.B.R. process.

3. Application Information – The applicant shall submit a complete application on the form provided by the Planning and Building Department, along with all information listed on that form, including a written response to the criteria in subsection (4) of this section.

4. Criteria – The Design Review Board may grant a design departure or minor variation only if it finds that all of the following requirements are met:

- a. The request results in superior design and fulfills the policy basis for the applicable design regulations and design guidelines;
- b. The departure will not have any substantial detrimental effect on nearby properties and the City or the neighborhood.

(Ord. 4495 § 2, 2015; Ord. 4491 § 3, 2015; Ord. 4437 § 1, 2014; Ord. 4392 § 1, 2012; Ord. 4390 § 1, 2012; Ord. 4333 § 1, 2011; Ord. 4177 § 2, 2009)

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O-4636 EXHIBIT 12

- D The Designated "Circulator" in the Totem Lake Business District
  - E Pedestrian Circulation in Totem Lake
  - F Vehicular Access and Pedestrian Pathway Concept for TL 5
  - G Internal Access Roads and Through-Block Pathway Concept for TL 6B
  - H Pedestrian Circulation in the CBD
  - I Pedestrian Circulation in the JBD
  - J Pedestrian Circulation in the NRHBD
  - K Through-Block Pathways Concept for RHBD
  - L Pedestrian Circulation in YBD
  - M Street Improvements in YBD
  - N Pedestrian Circulation in Neighborhood Business Zones (BN, BNA & MSC 2)
- FHNC*
- Plate 35 Total Upper Story Setback Area
  - Plate 36 Story at Street or Access Easement Level
  - Plate 37 Totem Lake Housing Incentive Areas
  - Plate 38 Measuring Size Limitations for Structures Abutting or Within Low Density Zones and Abutting Low Density Uses in the PLA 17 Zone
  - Plate 39 *Repealed*
  - Plate 40 *Reserved*
  - Plate 41 Measuring Shoreline Setback
  - Plate 42 Maximum Shoreline Walkway Corridor
  - Plate 43A Options for Shoreline Stabilization Measures – Building Setback 10' – 30'
  - Plate 43B Options for Shoreline Stabilization Measures – Building Setback > 30'
  - Plate 44 Addition to Nonconforming Detached Dwelling Unit
  - Plate 45 Electric Vehicle Charging Station Signage
  - Plate 46 School Walk Routes

**180.05 User Guide**

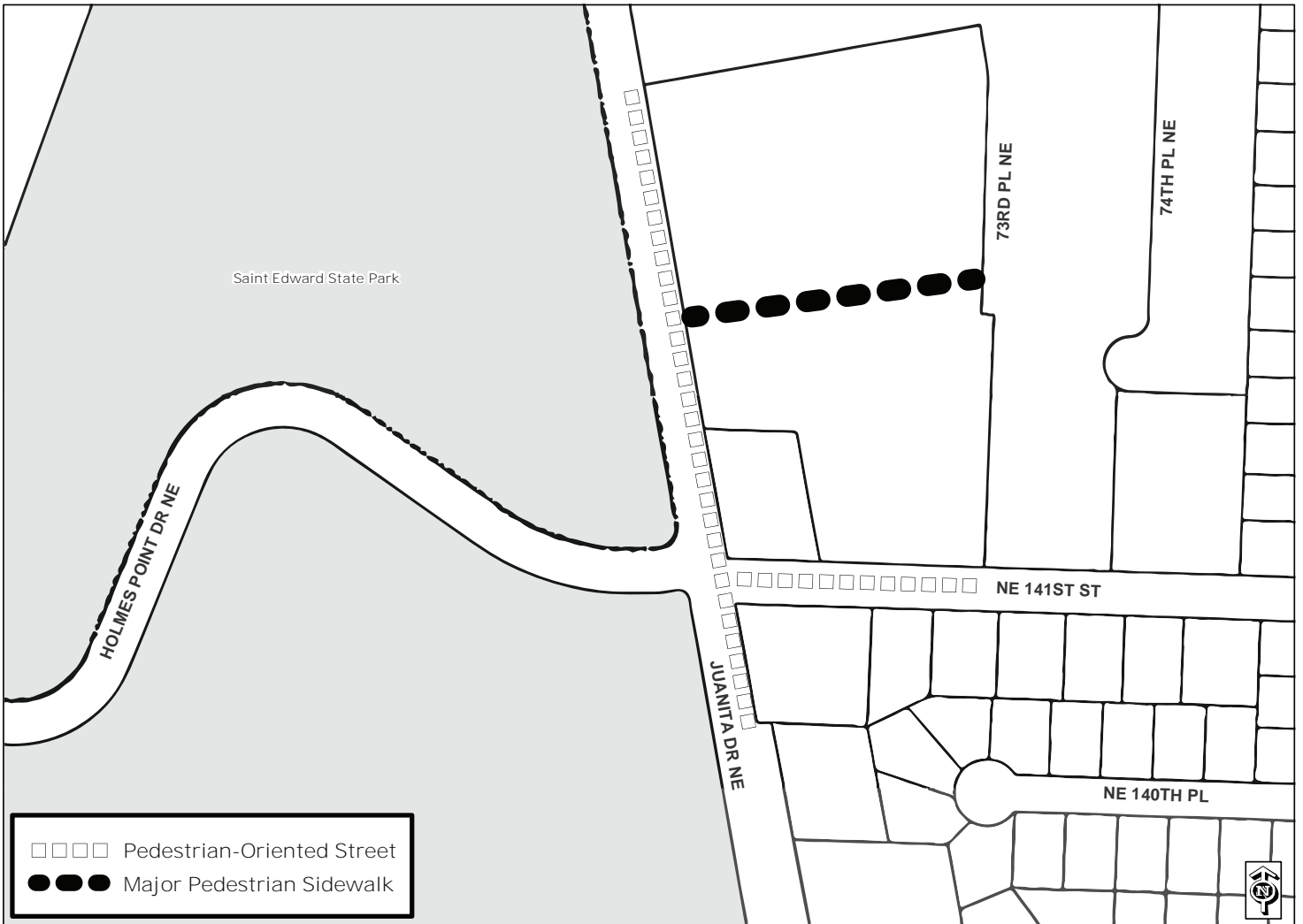
To graphically display or explain a regulation, various provisions in this code refer the user to particular plates. This chapter contains those plates arranged numerically.

**Plate 1 ONE-WAY TRAFFIC – STANDARD SIZE STALL (8.5' X 18.5')**

Parking Angle	Single Loaded Aisle			Double Loaded Aisle		
	A	B	C	D	*E	F
0	8.5	18.5	27.0	8.5	18.5	35.5
30	9.5	18.5	28.0	9.5	18.5	37.5
35	10.0	18.5	28.5	10.0	18.5	38.5
40	11.0	18.5	29.5	11.0	18.5	40.5
45	12.0	18.5	30.5	12.0	18.5	42.5
50	13.0	18.5	31.5	13.0	18.5	44.5
55	14.0	18.5	32.5	14.0	18.5	46.5
60	15.0	18.5	33.5	15.0	18.5	48.5
65	16.0	19.5	35.5	16.0	19.5	51.5

# Plate 34N

## Pedestrian Circulation in Neighborhood Business Zones (BN, BNA, FHNC & MSC 2)



The City of Kirkland

# Design Guidelines

## For Pedestrian-Oriented Business Districts



Adopted by the City Council pursuant to Kirkland Municipal Code Section 3.30.040.

Dated August 3, 2004.

Updated December 11, 2012, R-4945 & R-4946.

Attest:



Joan McBride,  
Mayor

Eric Shields  
Director,  
Planning & Community  
Development

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- Height Measurement on Hillsides
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The Illustrations throughout this document are provided by MAKERS.

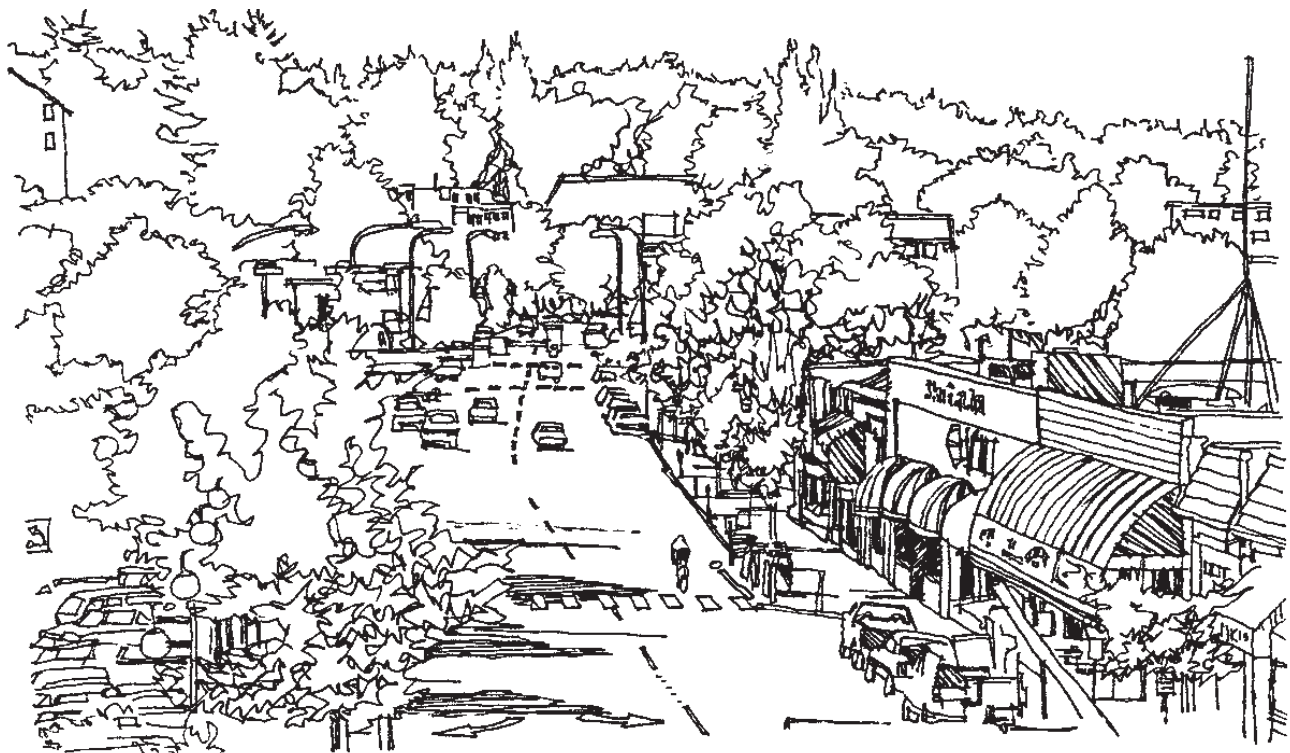
# Introduction

This document sets forth a series of Design Guidelines, adopted by Section 3.30 of the Kirkland Municipal Code, that will be used by the City in the in the design review process. For Board Design Review (BDR), the Design Review Board will use these guidelines in association with the Design Regulations of the Kirkland Zoning Code. To the extent that the standards of the Design Guidelines or Design Regulations address the same issue but are not entirely consistent or contain different levels of specificity, the Design Review Board will determine which standard results in superior design. For Administrative Design Review (ADR), the Planning Official will use these guidelines when necessary to interpret the Design Regulations. They are also intended to assist project developers and their architects by providing graphic examples of the intent of the City’s guidelines and regulations.

Most of the concepts presented in the Design Guidelines are applicable to any pedestrian-oriented business district.\* “Special Considerations” have been added, such as for Downtown Kirkland, to illustrate how unique characteristics of that pedestrian-oriented business district relate to the Guideline.

The Design Guidelines do not set a particular style of architecture or design theme. Rather, they will establish a greater sense of quality, unity, and conformance with Kirkland’s physical assets and civic role.

The Design Guidelines will work with improvements to streets and parks and the development of new public facilities to create a dynamic setting for civic activities and private development. It is important to note that these Guidelines are not intended to slow or restrict development, but rather to add consistency and predictability to the permit review process.



\* The guidelines also apply to residential development in the Central Business District (CBD), the Juanita Business District (JBD), the North Rose Hill Business District, the Market Street Corridor (MSC), Totem Center, and Planned Area 5C (PLA5C); and to mixed use development throughout the City.

Finn Hill Neighborhood Center (FHNC)



# Kirkland Design Guidelines

The drawing below illustrates many of the design Guidelines described in this appendix

- 1 Pedestrian plazas and places for vendors encouraged through several regulations.
- 2 Buildings on corner lots may be required to incorporate an architectural or pedestrian-oriented feature at the corner. Many options are possible including plazas, artwork, turrets, curved corners, etc.

**Special architectural requirements placed on use of concrete block and metal siding.**

- 3 “Architectural scale” requirements direct large buildings to fit more comfortably with neighboring development. This example employs building setbacks, decks, curved surfaces, and recessed entries to reduce appearance of building mass.
- 4 Parking garages on pedestrian-oriented streets or through-block sidewalks may incorporate pedestrian-oriented uses or pedestrian-oriented space into front facades.

**Street trees required along certain streets.**

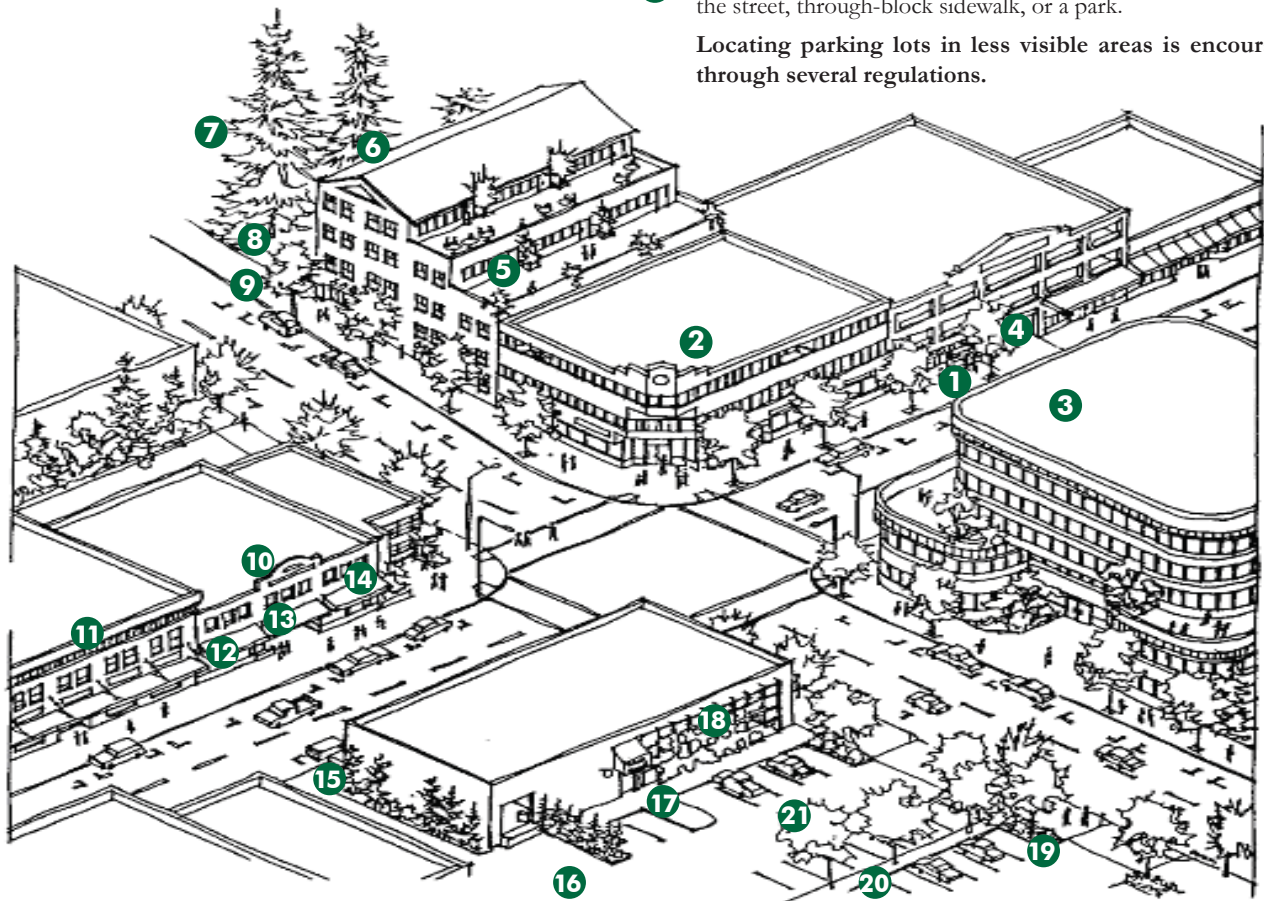
- 5 Human scale features such as balconies or decks, bay windows, covered entries, gable or hipped rooflines, multiple paned windows, or pedestrian-oriented space may be required.
- 6 More flexible method of measuring building height on slopes.
- 7 New policies regarding tree protection and enhancement of wooded slopes. Standards for size, quantity, quality, and maintenance of landscape plant materials are set by the Zoning Code.

- 8 Standards for size, quantity, quality, and maintenance of landscape plant materials are set by the Zoning Code.
- 9 Standards are set for pathway width, pavement, lighting, and site features on required major pathways and public properties.
- 10 A building cornerstone or plaque may be required.
- 11 Covering up existing masonry or details with synthetic materials is restricted.
- 12 Ground story facades of buildings on pedestrian-oriented streets or adjacent to parks may be required to feature display windows, artwork, or pedestrian-oriented space.
- 13 Pedestrian weather protection required on pedestrian-oriented streets.
- 14 Architectural detail elements such as decorative or special windows, doors, railings, grillwork, lighting, trellises, pavements, materials, or artwork to add visual interest may be required.

**Size of parking lots abutting pedestrian-oriented streets may be restricted.**

- 15 Quantity and locations of driveways are regulated.
- 16 Visible service areas and loading docks must be screened.
- 17 Provision for pedestrian circulation is required in large parking lots.
- 18 Blank walls near streets or adjacent to through-block sidewalks must be treated with landscaping, artwork, or other treatment.
- 19 Screening of parking lots near streets is required.
- 20 Standards for curbs, signing, lighting, and equipment are set for parking lots.
- 21 Internal landscaping is required on large parking lots visible from the street, through-block sidewalk, or a park.

**Locating parking lots in less visible areas is encouraged through several regulations.**



## Purpose of the Design Guidelines for Downtown Kirkland

In 1989 the Kirkland City Council adopted Kirkland's Downtown Plan which set a vision for the downtown's future and outlined policies and public actions to make that vision a reality. One of the recommended actions is the adoption of a set of Downtown Design Guidelines to be used in reviewing all new development and major renovations in the downtown area. The goal of the Design Guidelines as stated in the plan is to

*... balance the desired diversity of project architecture with the equally desired overall coherence of the downtown's visual and historic character. This is to be achieved by injecting into each projects' creative design process a recognition and respect of design guidelines and methods which incorporate new development into downtown's overall pattern.*

In addition, the guidelines are intended to further the following urban design goals stated in the plan:

- ◆ Promote a sense of community identity by emphasizing Kirkland's natural assets, maintaining its human scale, and encouraging activities that make downtown the cultural, civic, and commercial heart of the community.
- ◆ Maintain a high-quality environment by ensuring that new construction and site development meet high standards.
- ◆ Orient to the pedestrian by providing weather protection, amenities, human scale elements, and activities that attract people to downtown.
- ◆ Increase a sense of continuity and order by coordinating site orientation, building scale, and streetscape elements of new development to better fit with neighboring buildings.
- ◆ Incorporate parks and natural features by establishing an integrated network of trails, parks, and open spaces and maintaining existing trees and incorporating landscaping into new development.
- ◆ Allow for diversity and growth through flexible guidelines that are adaptable to a variety of conditions and do not restrict new development.

## Purpose of the Design Guidelines for PLA5C

Planned Area 5C is part of the Moss Bay Neighborhood and is designated for high density residential and office uses. It is located just east of the Central Business District (CBD) and shares many of the CBD's

characteristics, although retail uses are not allowed.

The adjacent steep hillside to the north of PLA5C is part of the 85<sup>th</sup> Street right-of-way and it limits potential view obstruction from the five to six story buildings which can be developed in PLA5C.

The following guidelines, which encourage wide sidewalks, do not apply to PLA5C since there are no "pedestrian oriented streets" or "major pedestrian sidewalks" designated in the Zoning Code for this area.

- ◆ Sidewalk Width: Movement Zone
- ◆ Sidewalk Width: Storefront Activity Zone

An additional guideline that does not apply is "Height Measurement on Hillsides."

## Purpose of the Design Guidelines for Juanita Business District

The Juanita Business District Plan was adopted in 1990 by the City Council. It states that "the underlying goal of redevelopment in the business district is to create a neighborhood-scale, pedestrian district which takes advantage of the amenities offered by Juanita Bay."

As part of the Juanita Business District Plan, Design Regulations and Design Guidelines were established for new development and major renovations in the Business District (JBD). These guidelines and regulations are intended to further the following urban design features stated in the plan:

- ◆ Pedestrian pathways from the surrounding residential areas to and through the business district and on to Juanita Beach Park should be acquired and improved.
- ◆ View corridors to the lake should be explored through new development in the business district.
- ◆ Entry features, such as signs or sculpture, should be established in the locations shown in the Juanita Business District Plan.
- ◆ Coordinated streetscape improvements should be used throughout the business district, including street trees, street furniture, and other amenities, like flowers, banners, and signs.

## Purpose of the Design Guidelines for the Market Street Corridor, including the Market Street Historic District

The City Council adopted the Market Street Corridor Plan in December of 2006 as part of the Market and Norkirk Neighborhood planning process. The new plan





was created for commercial and multifamily properties adjoining Market Street extending from the Central Business District at the south end to 19th Avenue at the north end. The plan includes a vision for the corridor of an attractive, economically healthy area that accommodates neighborhood oriented businesses, office uses and multifamily housing in a way that complements and protects the adjacent residential neighborhoods.

The historic 1890's buildings at the intersection of Market Street and 7th Avenue create a unique sense of place that represents the original town center of Kirkland. The plan establishes an historic district in this area that will reflect the City's past through both its old and new buildings and its streetscape. New development and renovation within this historic district should reflect the scale and design features of the existing historic resources in the district.

As part of the Market Street Corridor Plan, Design Regulations and Guidelines are established for new development and major renovations in the Market Street Corridor (MSC). These guidelines and regulations are intended to further the following design objectives that are stated in the plan:

- ◆ Encourage preservation of structures and locations that reflect Kirkland's heritage.
- ◆ Support a mix of higher intensity uses along the Market Street Corridor while minimizing impacts on adjacent residential neighborhoods.
- ◆ Maintain and enhance the character of the historic intersection at 7th Avenue and Market Street.
- ◆ Provide streetscape, gateway and public art improvements that contribute to a sense of identity and enhanced visual quality.
- ◆ Provide transitions between low density residential uses within the neighborhoods and the commercial and multifamily residential uses along Market Street.

Except for the MSC2 zone, the following guidelines, which suggest wider sidewalks, do not apply since there are no "pedestrian oriented streets" or "major pedestrian sidewalks" designated in the Zoning Code for the Market Street Corridor.

- ◆ Sidewalk Width: Movement Zone
- ◆ Sidewalk Width: Storefront Activity Zone

Additional guidelines that do not apply to the Market Street Corridor include:

- ◆ Protection and Enhancement of Wooded Slopes

- ◆ Height Measurement on Hillsides
- ◆ Culverted Creeks

## Purpose of the Design Guidelines for North Rose Hill Business District

The North Rose Hill Business District goals and policies were adopted in 2003 as part of the North Rose Hill Neighborhood Plan. Development in the North Rose Hill Business District (NRHBD) is to complement the Totem Lake neighborhood and encourage increased residential capacity to help meet housing needs. Commercial uses are to be limited to those that are compatible with the residential focus of the NRHBD.

As part of the NRH plan, design regulations and guidelines were established for new development and major renovations in the Business District (NRHBD). These guidelines and regulations are intended to further the following urban design goals and policies stated in the plan:

- ◆ Ensure that public improvements and private development contribute to neighborhood quality and identity in the Business District through:
  - *Establishment of building and site design standards.*
  - *Utilization of the design review process.*
  - *Location and sharing of parking lots .*
  - *Utilization of high quality materials, public art, bicycle and pedestrian amenities, directional signs on all arterials, and other measures for public buildings and public infrastructure, such as streets and parks.*
- ◆ Provide transitions between commercial and residential uses in the neighborhood.
- ◆ Provide streetscape improvements that contribute to a sense of neighborhood identity and enhanced visual quality.

Since the focus of the NRHBD is on increasing residential capacity while accommodating supportive commercial uses, rather than developing into a destination retail business district, the following guidelines do not apply to this business district.

- ◆ Sidewalk Width – Movement Zone
- ◆ Sidewalk Width – Curb Zone
- ◆ Sidewalk Width – The Storefront Activity Zone
- ◆ Pedestrian Coverings
- ◆ Pedestrian-Friendly Building Fronts
- ◆ Upper-Story Activities Overlooking the Street

In addition, the following do not apply:

- ◆ Protection and Enhancement of Wooded Slopes





- ◆ Height Measurement on Hillsides
- ◆ Views of Water
- ◆ Culverted Creeks

## Purpose of the Design Guidelines for Totem Center

The Kirkland City Council adopted a new neighborhood plan for Totem Lake in early 2002. The vision set forth in the Plan for Totem Center is of a dense, compact community, with a mix of business, commercial and residential uses and a high level of transit and pedestrian activity.

The Plan establishes key overall design principles for Totem Center, as well as specific design objectives for the Totem Lake Mall (TL 2), Evergreen Hospital campus (TL 3), and the mixed-use area west of the campus (TL 1). Design objectives promoted in the plan for Totem Center include:

- ◆ Accommodate high density, transit-oriented development, consistent with the district's position in an Urban Center.
- ◆ Ensure that public and private development contribute to a lively and inviting character in Totem Center.
- ◆ Reinforce the character of Totem Center through public investments
- ◆ Produce buildings that exhibit high quality design, incorporate pedestrian features and amenities and display elements of both continuity and individuality
- ◆ Provide public spaces that are focal points for the community
- ◆ Provide visual and functional connections between adjacent developments through landscaping, public spaces and pedestrian connections.

Design considerations specific to the three subareas within the district include:

### Mixed-Use Area (TL 1)

- ◆ Break up the mass of larger buildings through techniques such as towers over podiums, to create a varied building footprint and the perception of a smaller overall building mass.
- ◆ Incorporate features that create distinctive roof forms, to contribute to a skyline that is visually interesting throughout the district.

- ◆ Ensure appropriate transitions from lower density uses north of Totem Center through providing residentially scaled façades and centered building masses in development along NE 132nd Street.

### Retail Center (TL 2)

The Totem Lake Neighborhood Plan direction for the TL2 area is to support its growth as a vibrant, intensive retail center for the Kirkland community and surrounding region. These guidelines are intended to promote the vision of this area as a "village-like" community gathering place, with high-quality urban and architectural design in redevelopment. To provide for flexibility and increased development potential, while ensuring coordinated development and design integrity over time, redevelopment should occur within the context of an overall site development or Master Plan for the entire property.

### Evergreen Hospital Medical Center Campus (TL 3)

The Totem Lake Neighborhood Plan acknowledges the important role the hospital plays in the Kirkland community, and supports growth on the campus to strengthen this role. Design objectives stated in the Plan for the Evergreen Hospital campus are consistent with those expressed in the Master Plan approved for the site:

- ◆ Taller buildings should be located toward the center of the site and designed to minimize shadowing and transition impacts on residential areas.
- ◆ Public access to usable green spaces on the campus can help to offset the impacts of taller buildings on the site.
- ◆ Ensure campus edges are compatible with neighboring uses.
- ◆ Enhance and improve pedestrian access with the campus and to surrounding uses, particularly the transit center and to TL 2.

The approved Master Plan for the hospital campus includes additional, unique design guidelines that apply to institutional development in a campus environment:

- ◆ *Respond to Physical Environment:* New buildings should be attractive as well as functional additions to the campus.
- ◆ *Enhance the Skyline:* The upper portion of buildings should be designed to promote visual interest and variety on the skyline, except where building function dictates uninterrupted vertical mass.
- ◆ Avoid blank facades in buildings located on the perimeter of the campus.



- ◆ Use materials and forms that reinforce the visual coherence of the campus.
- ◆ Provide inviting and useable open space.
- ◆ Enhance the campus with landscaping.
- ◆ Guidelines for the transit center to be located on the hospital campus should be developed and incorporated with guidelines for the rest of the campus.

The following guidelines do not apply to Totem Center:

- ◆ Height Measurement on Hillsides
- ◆ Views of Water

## Purpose of the Design Guidelines for Neighborhood Business Districts

The Comprehensive Plan establishes a hierarchy of commercial districts, with regional goods and services at the upper end and neighborhoods goods and services at the lower end.

Kirkland's Neighborhood Business Districts (BN, BNA and MSC2) are important in providing neighborhood goods and services. Given the more localized draw for residents to meet their everyday needs, an emphasis on convenient and attractive pedestrian connections and vehicular access is important.

In addition, because these districts are surrounded by residential land uses they serve, the design character and context of new development is critical to ensure that it integrates into the neighborhood.

The design guidelines are intended to further the following design objectives that are stated in the Plan:

- ◆ Establish development standards that promote attractive commercial areas and reflect the distinctive role of each area.
- ◆ Encourage and develop places and events throughout the community where people can gather and interact.
- ◆ Moss Bay neighborhood: Ensure that building design is compatible with the neighborhood in size, scale, and character.
- ◆ South Rose Hill neighborhood: Residential scale and design are critical to integrate these uses into the residential area.

The following guidelines do not apply to these districts:

- ◆ Protection and Enhancement of Wooded Slopes
- ◆ Height Measurement on Hillsides
- ◆ Culverted Creeks



## Introduction

Successful pedestrian-oriented business districts, as opposed

**Insert:**

Purpose of the Design Guidelines for Finn Hill Neighborhood Center (FHNC)

The Finn Hill Neighborhood Plan was adopted in early 2018 by the City Council. The Neighborhood Plan sets the vision for the Finn Hill Neighborhood Center north of NE 141<sup>st</sup> ST along Juanita Drive as a mixed use, neighborhood scale commercial and residential village to strengthen the neighborhood identity.

The design guidelines are intended to further the following design objectives described in the Plan for the FHNC and summarized below:

- Building and site design is attractive, pedestrian oriented and compatible in scale and character with the surrounding neighborhood.
- Pedestrian paths connect between uses on a site and adjacent properties.
- Parking lots or parking garages are oriented to the back or side of buildings or treated with landscaping or design features.
- Streetscape improvements are attractive to identify Finn Hill as unique to other commercial districts and multi-modal in design.
- Public gathering spaces contain seating and landscaping.
- Bicycle and pedestrian amenities are provided including directional signage.
- Green building and sustainable site techniques are utilized.
- Art, signs and landscaping are used to add character to the commercial area.

The following guidelines do not apply to this district:

- Protection and enhancement of wooded slopes
- Height measurement on Hillsides
- Culverted Creeks

Open Space at Street Level

- ◆ Pedestrian weather protection.
- ◆ “Pedestrian-friendly” building fronts.
- ◆ Other building facade elements that improve pedestrian conditions along the sidewalk.
- ◆ Mitigation of blank walls and screening of service areas.





*On the following pages are described urban design guidelines relating to pedestrian circulation and amenities. The guidelines outline the general issues and present design information, concepts, and solutions to address the issues. The guidelines serve as a conceptual foundation and support the regulations included in the Kirkland Zoning Code.*

## Sidewalk Width: Movement Zone

### Issue

Pedestrian movement is a primary function of sidewalks. The sidewalk has three overlapping parts with different functions: the curb zone, the movement zone, and the storefront or activity zone.

A well-sized and uncluttered movement zone allows pedestrians to move at a comfortable pace. People can window-shop comfortably and enjoy a relaxed atmosphere without bumping into street signs, garbage cans, or other people.

### Discussion

An adult person measures approximately 2' across the shoulders, but a pedestrian carrying grocery bags, pushing a baby carriage or bicycle, or walking a dog measures 3' across. A window-shopper will require a minimum of 2'-6" to 3' wide space to avoid being pushed or having their view obstructed.

The movement zone should be at least 10' to 12' wide so that two couples can comfortably pass one another. This same space also will allow one person to pass a couple while another person passes from the opposite direction. In business districts add 3' to the storefront activity zone for window-shopping.

The width of the sidewalk movement zone should consider the function of sidewalks, the level of pedestrian traffic, and the general age groups of the pedestrians (children and the elderly slow traffic on sidewalks that are too narrow).



### Guideline

*A sidewalk should support a variety and concentration of activity yet avoid overcrowding and congestion. The average sidewalk width should be between 10' and 18'. New buildings on pedestrian-oriented streets should be set back a sufficient distance to provide at least 10' of sidewalk. If outdoor dining, seating, vending, or displays are desired, an additional setback is necessary.*

### Special Consideration for Downtown Kirkland

Most of the business core of Kirkland is already developed with fairly narrow sidewalks. New development should provide sidewalks at the recommended width. Providing wider sidewalks throughout downtown is a long-term endeavor.

### Special Consideration for Juanita Business District

A concentrated, organized, retail-oriented core with a unified pedestrian circulation network is a goal of the Juanita Business District. The pedestrian system will also serve to connect the perimeter of the district to the core.

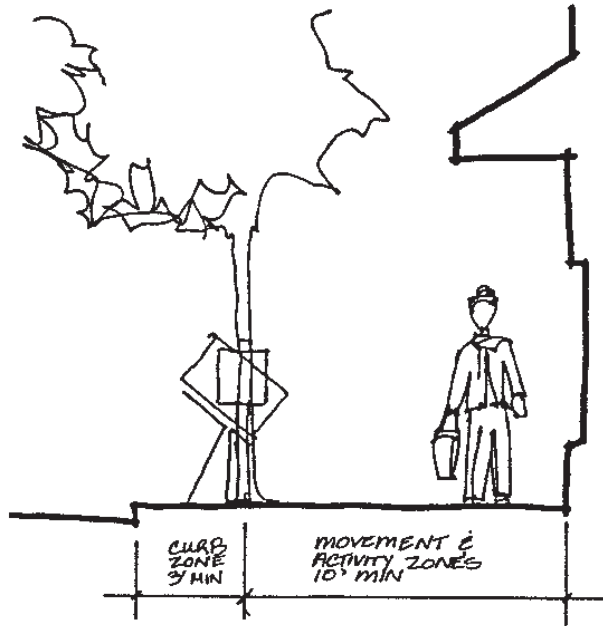
### Special Consideration for Totem Center

New development in TL2 should provide sidewalks at the recommended width, to contribute to the pedestrian-orientation of new development. Public gathering places, such as pedestrian-oriented plazas linked to the sidewalk, should be encouraged.





## Sidewalk Width – Curb Zone



### Issue

The curb zone contains parking meters, garbage cans, newspaper stands, street signs, light poles, mail boxes, phone booths, bus stops, and trees. The curb zone is also a buffer between vehicular traffic and pedestrians.

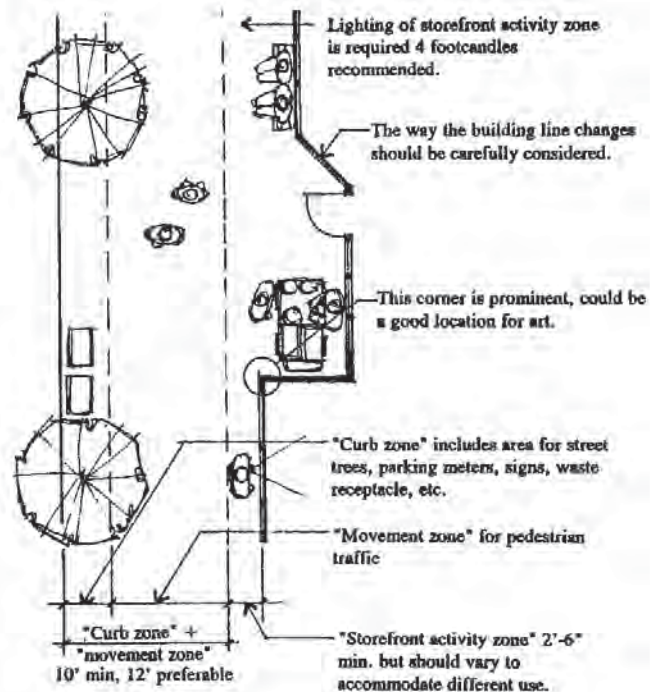
### Discussion

The curb zone may be integrated into the sidewalk design in a number of ways.

- ◆ *A curb zone with parallel parking.* Getting in and out of parked cars requires 2'-6"; so the curb zone width should be between 4'-6" and 5'-6".
- ◆ *A curb zone without parallel parking.* Space is not needed to park cars; the curb zone width should be between 3' and 4'.
- ◆ *A curb zone with street furniture clustered in sidewalk bulbs along the street; parking is allotted in the pockets between the bulbs.* Clusters of street elements – benches, newspaper stands, covered bus stops – require a sidewalk width of about 8' to 12'.

The curb zone may be visually separated from the movement zone by changes in color or surface material. Street furniture and other elements may be grouped and unified by color and shape to give the street a less cluttered appearance.

The design of the curb zone and street elements provides an opportunity for Kirkland to develop a visual identity that differs from street to street yet is still characteristic of Kirkland.



### Guidelines

*Street elements – trees, parking meters, signs – should be organized in the curb zone to reduce congestion. During busy periods, pedestrians may use the curb zone for walking.*

*Where pedestrian traffic is the heaviest, sidewalk bulbs can be constructed to accommodate bike racks, waste receptacles, and newspaper racks. Corner bulbs also increase pedestrian visibility.*



## Sidewalk Width – The Storefront Activity Zone

### Issue

The storefront activity zone is the most important area for improving pedestrian amenities because it offers protection, provides space for sidewalk activities, and is a transition from the public space of the sidewalk to the private space of the building.

### Discussion

At least 10' of the sidewalk must be kept for pedestrian movement. In addition, there must be room for other activities that add life and interest to the street. Window shopping requires a minimum of 2'-6". Other activities require:

- ◆ Bench for sitting: 4' min.
- ◆ Vendor: 4' min. (6' preferable)
- ◆ Outdoor dining: 6' min. (one table)
- ◆ Outdoor displays: 4' min. (6' preferable)

The activity desired in the storefront activity zone can vary from property to property. This may result in a more animated sidewalk environment with protected alcoves and niches.

### Guideline

***New buildings should be set back a sufficient distance from the front property line a minimum of 10' to allow enough room for pedestrian movement. Wider setbacks should be considered to accommodate other sidewalk uses that would benefit their businesses and the pedestrian environment. Lighting and special paving of the storefront activity zone are also beneficial.***

## Pedestrian Coverings

### Issue

Pedestrian coverings such as awnings and canopies offer shelter, provide spatial enclosure, and add design interest to a retail streetscape.

### Discussion

The design of awnings and canopies should be coordinated with a number of factors:

*The width of a canopy or awning depends on its function. A 3' to 4' canopy will provide rain cover for window-shopping. A 5' or greater canopy will provide cover for a street sale, and a 7' to 8' canopy will provide room for a window shopper and a passing couple.*

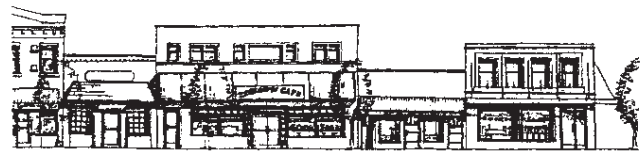
*The width of the sidewalk should be considered when sizing the awning. Water spilling down the edges of awnings is unpleasant; thus the awning should be either extended or shortened if there is not room for two people to pass one another either under the awning or outside the awning.*

*The architecture of the building determines the appropriate placement and style of the canopy or awning. A canopy should be continuous in shape, design, and placement throughout a building.*

*The overall style of a street should guide the choice of type, color, and size of coverings. The quality of light emanating from awnings or canopies should be controlled. The back-lit plastic awning typical of fast food chains is inappropriate on pedestrian streetscapes.*

*The crown of trees can be a canopy in its own right by defining space and providing shelter. Canopies and awnings should be appropriately dimensioned to allow for tree growth.*

*The street type. A rich variety of canopies and awnings is particularly desirable on pedestrian-oriented streets and less important on automobile-oriented streets.*



**Nonuniform Awnings and Facades  
(Recommended for Pedestrian Oriented Streets)**



### Guideline

***Awnings or canopies should be required on facades facing pedestrian-oriented sidewalks. A variety of styles and colors should be encouraged on pedestrian-oriented streets, and a more continuous, uniform style encouraged for large developments on entry arterial streets.***





## “Pedestrian-Friendly” Building Fronts

### Issue

Building setbacks were originally developed to promote “pedestrian-friendly” building fronts by providing light, air, and safety. But dull building facades and building setbacks that are either too wide or too narrow can destroy a pedestrian streetscape. A successful pedestrian business district must provide interesting, pedestrian-friendly building facades and sidewalk activities.

### Discussion

Building fronts should have pedestrian-friendly features transparent or decorative windows, public entrances, murals, bulletin boards, display windows, seating, or street vendors that cover at least 75 percent of the ground-level storefront surface between 2’ and 6’ above the sidewalk.



Sitting areas for restaurant and merchandise displays should allow at least a 10’ wide pavement strip for walking. Planters can define the sitting area and regulate pedestrian flow.

Blank walls severely detract from a pedestrian streetscape. To mitigate the negative effects of blank walls:

- ◆ Recess the wall with niches that invite people to stop, sit, and lean.
- ◆ Allow street vendors.
- ◆ Install trellises with climbing vines or plant materials.
- ◆ Provide a planting bed with plant material that screens at least 50 percent of the surface.
- ◆ Provide artwork on the surface.

### Guideline

**All building fronts should have pedestrian-friendly features as listed above.**

## Special Consideration for Downtown Kirkland - Glazing

Building frontages along pedestrian-oriented streets in the Central Business District should be configured to have a 15’ story height to ensure suitability for diverse retail tenants and enhance the pedestrian experience. Where these taller retail stories are required, special attention to storefront detailing is necessary to provide a visual connection between pedestrian and retail activity.

### Guideline

**Storefronts along pedestrian-oriented streets should be highly transparent with windows of clear vision glass beginning no higher than 2’ above grade to at least 10’ above grade. Windows should extend across, at a minimum, 75% of the façade length. Continuous window walls should be avoided by providing architectural building treatments, mullions, building modulation, entry doors, and/or columns at appropriate intervals.**

## Special Consideration For Non-Retail Lobbies In Central Business District 1A & 1B

Non-retail uses are generally not allowed along street frontage within Central Business District 1. However, in order to provide pedestrian access to office, hotel, or residential uses located off of the street frontage or above the retail, some allowance for lobbies is necessary.

### Guideline

**Lobbies for residential, hotel, and office uses may be allowed within the required retail storefront space provided that the street frontage of the lobby is limited relative to the property’s overall retail frontage and that the storefront design of the lobby provides continuity to the retail character of the site and the overall street.**

## Special Consideration for Totem Center

Since pedestrians move slowly along the sidewalk, the street level of buildings must be interesting and varied. Since the potential exists for large tenants to locate within TL 2, efforts should be made to minimize the impacts of these uses along pedestrian-oriented streets and concourses. Along 120<sup>th</sup> Avenue NE, buildings should be designed to add vitality along the sidewalk, by providing multiple entrance points to shops, continuous weather protection, outdoor dining, transparency of windows and interactive window displays, entertainment and diverse architectural elements. Ground floor development in TL 2 should be set close to the sidewalk along pedestrian streets and concourses to orient to the pedestrian and provide an appropriately-scaled environment.



## Special Consideration for Neighborhood Business Districts

### Issue

To create a focal point for the community and engage pedestrians, buildings are encouraged to be oriented to pedestrian-oriented streets in these zones. However, commercial space that is above or below the grade of the sidewalk can compromise the desired pedestrian orientation.

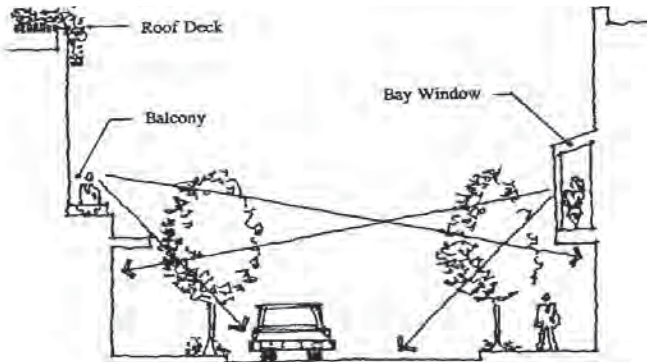
### Guideline

*Commercial space should generally be at grade with the adjoining sidewalk. Where this is not feasible, the building should be setback from the sidewalk far enough to allow a comfortable grade transition with generous pedestrian-oriented open space.*

## Upper-Story Activities Overlooking the Street

### Issue

Upper-story architectural features such as balconies, roof decks, and bay windows improve the relation between the upper-story living and working units and the street. Upper-story activity provides additional security at night – people overlooking a street tend to “patrol” it – and give the street a more human, people-oriented quality.



### Discussion

All buildings should have either an individual balcony or bay window for each dwelling unit or a collective roof deck that overlooks the street or both. This is especially important on the second and third floors where it is easier to establish connection with people on the street level.

Retail stores, offices, and studios live on second stories, particularly at night when second story activities are silhouetted.

Balconies should have direct access from an interior room and be at least 6' in depth so that two or three people can sit at a small table and have enough room to stretch their legs.

Plantings are encouraged on balconies and roof decks in order to bring more greenery into the City. Window seating at bay windows enables people to sit by a window

insert Finn Hill Neighborhood Center (FHNC)

### Guideline

*All buildings on pedestrian-oriented streets should be encouraged to have upper-story activities overlooking the street, as well as balconies and roof decks with direct access from living spaces. Planting trellises and architectural elements are encouraged in conjunction with decks and bay windows. Upper-story commercial activities are also encouraged.*

## Lighting from Buildings

### Issue

Overpowering and uniform illumination creates glare and destroys the quality of night light. Well-placed lights will form individual pools of light and maintain sufficient lighting levels for security and safety purposes.

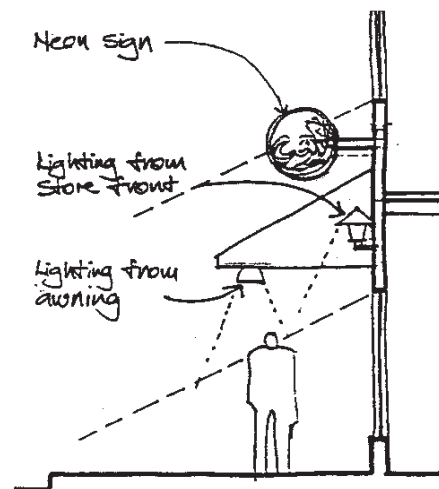
### Discussion

All building entries should be lighted to protect occupants and provide an inviting area.

Building facades, awnings, and signs should not be lighted with overpowering and uniform lights. They should be lighted with low-level building-mounted lights and placed apart to form pools of light. Lighting from storefronts, canopies, or awnings is a very attractive and effective way to light sidewalks.

Recommended Minimum Light Level:

- ◆ Primary pedestrian walkway: 2 foot candle
- ◆ Secondary pedestrian walkway: 2 foot candle
- ◆ Parking lot: 1 foot candle



## Guideline

All building entries should be well lit. Building facades in pedestrian areas should provide lighting to walkways and sidewalks through building-mounted lights, canopy- or awning-mounted lights, and display window lights. Encourage variety in the use of light fixtures to give visual variety from one building facade to the next. Back-lit or internally-lit translucent awnings should be prohibited.

## Pedestrian-Oriented Plazas

### Issue

Too often we see well-designed – but empty – plazas. There is no clear formula for designing a plaza, but a poorly designed plaza will not attract people.

### Discussion

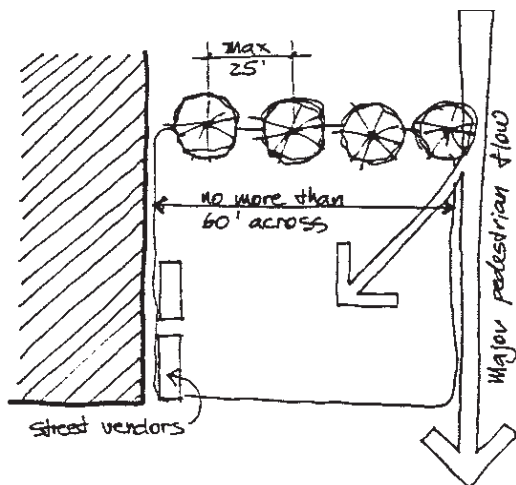
Plazas should be centrally located on major avenues, close to bus stops, or where there are strong pedestrian flows on neighboring sidewalks.

Plazas should be no more than 60' across and no more than 3' above or below the sidewalk. They must be handicapped accessible.

Plazas should have plenty of benches, steps, and ledges for seating. At least one linear foot of seating per 30 square feet of plaza area should be provided; seating should have a minimum depth of 16".

Locate the plaza in a sunny spot and encourage public art and other amenities. At least 50 percent of the total frontage of building walls facing a plaza should be occupied by retail uses, street vendors, or other pedestrian-oriented uses.

Provide plenty of planting beds for ground cover or shrubs. One tree should be required for every 200 square feet at a maximum spacing of 25' apart. Special precaution must be taken to prevent trees from blocking the sun.



## Guideline

Successful pedestrian-oriented plazas are generally located in sunny areas along a well-traveled pedestrian route. Plazas must provide plenty of sitting areas and amenities and give people a sense of enclosure and safety.

### Special Considerations for Totem Center

Public spaces, such as landscaped and/or furnished plazas and courtyards should be incorporated into the development, and be visible and accessible from either a public sidewalk or pedestrian connection. Primary pedestrian access points to retail development in TL 2 along 120<sup>th</sup> Avenue NE may be especially effective locations for public plazas.

Open spaces are especially important in TL 1, where the built environment may be dense. Well designed open spaces in front of and between buildings, visually linked with the open spaces of adjacent developments, will help to provide relief for the pedestrian.

## Pedestrian Connections

### Issue

The ability to walk directly into a commercial center from the public sidewalk or a bus stop is essential to both pedestrian and vehicular safety.

### Discussion

Well defined, direct pedestrian connections from the building to the public sidewalk are not always available in commercial centers. The connection between the internal pedestrian system on the site and the public sidewalk is often interrupted by landscaping or an automobile driveway.

Properly located landscaping can be used along with special paving to help define pedestrian links through the site





## Guideline

*Commercial developments should have well defined, safe pedestrian walkways that minimize distances from the public sidewalk and transit facilities to the internal pedestrian system and building entrances.*

## Blank Walls

### Issue

Blank walls create imposing and dull visual barriers. On the other hand, blank walls are ready “canvases” for art, murals, and landscaping.

### Discussion

*Blank walls on street fronts.* Blank walls on retail frontage deaden the surrounding space and break the retail continuity of the block. Blank walls should be avoided on street front elevations. The adverse impact of a blank wall on the pedestrian streetscape can be mitigated through art, landscaping, street vendors, signs, kiosks, bus stops, or seating. Design guidelines in New York, San Francisco, and Bellevue recommend that ground floor retail with pedestrian-oriented displays be the primary uses in commercial districts. This approach is meant to restore and maintain vitality on the street via continuous rows of retail establishments.

*Blank walls perpendicular to street fronts.* In some cases fire walls require the intrusion of a flat, unadorned surface. These conditions merit landscaping or artistic treatment. Examples of such treatment include installing trellises for vines and plant material, providing landscaped planting beds that screen at least 50 percent of the wall, incorporating decorative tile or masonry, or providing artwork (mural, sculpture, relief) on the wall.



## Guideline

*Blank walls should be avoided near sidewalks, parks, and pedestrian areas. Where unavoidable, blank walls should be treated with landscaping, art, or other architectural treatments.*

# Public Improvements and Site Features

## Introduction

Site features and pedestrian amenities such as lighting, benches, paving, waste receptacles, and other site elements are an important aspect of a pedestrian-oriented business district's character. If these features are design-coordinated and high quality, they can help to unify and upgrade the district's visual character. Development of a master plan for public spaces can provide a coordinated approach to their installation throughout the district.

The guidelines in this section apply primarily to elements associated with street right-of-ways, public parks, and required *major pedestrian pathways*. Although the standards do not apply to private property, except where a *major pedestrian pathway* is required, property owners are encouraged to utilize the standards in private development where they are appropriate. However, there may be cases where different site features, such as light fixtures and benches, should be selected to complement the architectural design of the individual site.



## Pathway Width

### Issue

Pathways must be sufficiently wide to handle projected pedestrian traffic. A pathway that is too narrow will have maintenance problems at its edges. A pathway that is too wide is unnecessarily costly and a poor use of space.

### Discussion

A pedestrian path of 10' to 12' can accommodate groups of persons walking four abreast or two couples passing each other.

A path near a major park feature or special facility like a transit center should be at least 12' wide. An 8' path will accommodate pedestrian traffic of less than 1,000 persons per hour.

Empirical Comparison:

- ◆ Green Lake path = 8'
- ◆ Burke-Gilman Path = 8'
- ◆ Typical sidewalk = 8' to 14'

### Guideline

***Design all major pedestrian pathways to be at least 8' wide.***

***Other pathways with less activity can be 6' wide.***

### Special Considerations for Juanita Business District

Through-site connections from street to street are a desirable pedestrian amenity in Land Use Area JBD-1.

The goal of these pedestrian connections will be to knit the individual developments into a more cohesive whole, providing convenient pedestrian mobility throughout even if the parcels are developed individually.

### Special Consideration for North Rose Hill Business District

Buildings in the NRHBD will be setback at least ten feet from the sidewalk. Landscaping and entry features will be located within this setback yard. Therefore, the sidewalk can be somewhat narrower than on a pedestrian oriented street.

### Special Considerations for Totem Center

Through-site connections from street to street, between the upper and lower portions of TL 2, and within TL 2 are needed to provide convenient pedestrian mobility, and to contribute to the village-like character desired for TL 2. Pedestrian connections to surrounding related uses, such as the hospital campus and transit center should also be provided.





Within TL 1, buildings should be set back at least ten feet from the sidewalk. Landscaping and entry features should be located within this setback yard, allowing the sidewalk to be somewhat narrower than on a pedestrian oriented street.

## Pedestrian Paths and Amenities

### Issues

Pedestrians require more detailed visual stimuli than do people in fast moving vehicles. Pedestrian paths should be safe, enjoyable, and interesting.

### Discussion

Street furniture such as benches, planters, fountains, and sculptures enhance the visual experience and reduce apparent walking lengths. Planters, curbs, rails, and other raised surfaces can also be used for seating. Any height between 12" to 20" will do with 16" to 18" being the best. An appropriate seat width ranges from 6" to 24".

Unit paving such as stones, bricks, or tiles should be installed on small plazas and areas of special interest. Asphalt can be used on minor routes to reduce cost and maintenance.

For safety reasons, lighting should be planned along all pedestrian paths. Lighting can originate either from street lights or from building-mounted lights. Street trees and shrubs should be planted along all pedestrian walkways and used to screen parking lots. For safety and appearance purposes, trees and shrubs should be pruned regularly.

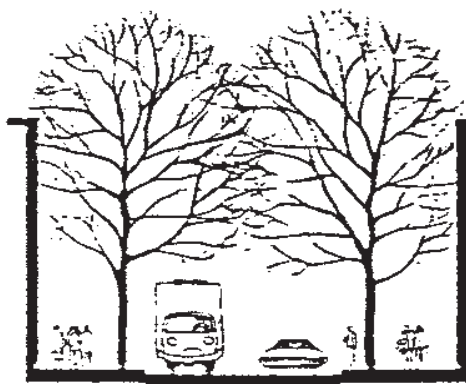
## Street Trees

### Issues

Streets are the conduits of life in a community. The repetition of trees bordering streets can unify a community's landscape. Trees add color, texture, and form to an otherwise harsh and discordant urban environment.

A strong street tree planting scheme can establish community identity and provide a respite from the weather and the built environment. Large, deciduous trees planted in rows on each side of the street can bring visual continuity to Kirkland – particularly on major entry arterials. Smaller trees should be planted in confined areas.

Street trees will not obscure businesses from the street if the appropriate trees are selected and maintained. Branches can frame ground floor businesses, allowing bus and truck movement while enhancing the pedestrian environment.



Trees should be of adequate size to create an immediate impact and have a good chance of survival. Species with invasive root systems or that are prone to disease, intolerant of pollution, or short-lived should be avoided.

### Guideline

*The City should prepare a comprehensive street tree planting plan recommending species and generalized locations.*

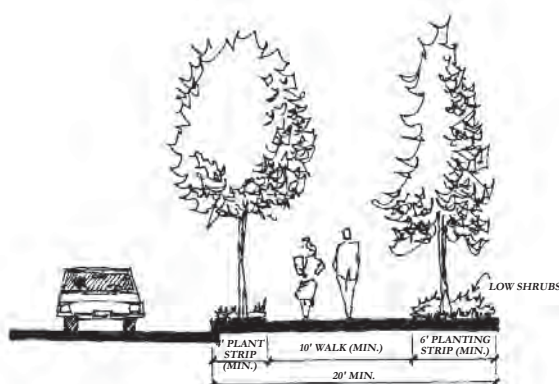
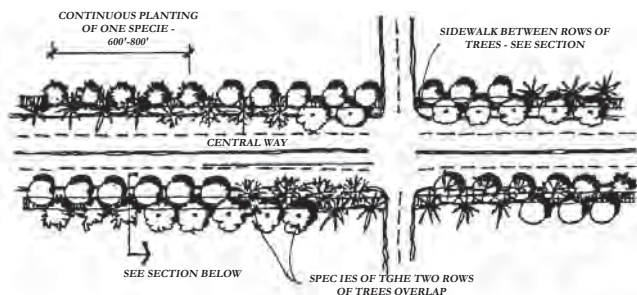
### Special Considerations for Downtown Kirkland

A strong street tree planting scheme is especially important in downtown because of the variety of scale and architecture encouraged in private development. Major entries into Kirkland, especially along Central Way, Kirkland Avenue, Lake Street, and Market Street, should be unified by a strong street tree program.

### Some preliminary ideas for a street tree planting plan are:

*Central Way:* Two rows of trees on each side could be planted (one row near the curb and one row in the required setback on the perimeter of parking lots as in Parkplace). The two rows could feature uniform plantings of species approximately 600' to 800' long. The species could change so that different combinations of species occur along Central Way. This would provide a continuous boulevard effect and incorporate the existing trees.





Proposal for a distinctive, double-row tree planting of street trees on Central Way.

*Lake Street and other pedestrian-oriented streets with narrow sidewalks:* Flowering pear trees might be a good option since they have tight narrow shapes, attractive flowers, and dark green foliage. Photinia standards might be another option since they are small and have bright red evergreen foliage.

### Special Considerations for Juanita Business District

Street trees in the business district should be upgraded with varieties that will not block views of businesses or the lake.

Some preliminary ideas for a street tree planting plan are:

**98th Avenue NE:** Limb up existing maples and add flowering pear trees (flowers and good fall color) along the curb.

**Juanita Drive:** Choose street trees that will screen large buildings but still allow views to the lake (flowering pears for example).

**97th Avenue NE/120th Place NE:** Plant trees to screen parking lots and service entrances. Possibilities are zelkova (elm-like with good fall color) or flowering pears.

### Special Considerations for the Market Street Corridor

A consistent street tree plan should be used to add character to 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 in order to provide a similar environment.

### Special considerations for North Rose Hill Business District

Feature a diverse planting of street trees that take into account width of landscape strip, location of overhead utility lines, and maintenance requirements.

Some preliminary ideas for a street tree planting plan are:

**NE 116<sup>th</sup> Street:** Add street trees that will buffer the pedestrian corridor from traffic while providing some visual access to adjacent businesses. (*Quercus rubra* (red oak), *Tilia cordata* ‘Greenspire’ (littleleaf linden), *Zelkova serrata* ‘Village Green’ for example).

**124<sup>th</sup> Avenue NE:** Choose street trees that will buffer the pedestrian but still allow some visual access to adjoining businesses (*Carpinus japonicus* (Japanese hornbeam), *Cercidiphyllum japonicum* (Katsura), *Fraxinus pennsylvanica* ‘Summit’ (Summit ash) for example).

**Slater Avenue NE:** Add trees with flowers and good fall colors as a transition to the residential portion of the neighborhood (*Malus sp.* (flowering crab), *Styrax japonicus* (Japanese snowbell), *Crataegus phaenopyrum* (Washington hawthorn), *Prunus padus* ‘Summer Glow’ (bird cherry- red leaves) for example).

### Special Considerations for Totem Center

Street trees within this area should be selected to achieve the varying objectives of the district. Some preliminary ideas for a street tree planting plan are:

**Totem Lake Boulevard:** South of NE 128<sup>th</sup> Street, trees should be planted that balance the goals of creating a “greenway” along the boulevard, providing a safe and inviting pedestrian experience and enabling visibility of the site’s businesses to the freeway traveler. Smaller trees planted at frequent intervals anchored by larger, “boulevard” trees at primary site entrances would achieve these objectives. As an alternative or additional component, groupings of trees planted behind a meandering sidewalk may also be effective.

**North of NE 128<sup>th</sup> Street to NE 132<sup>nd</sup> Street,** plantings should be unified with those used along Totem Lake Boulevard to the south.

**120<sup>th</sup> Avenue NE:** South of NE 128<sup>th</sup> Street, choose street trees that will emphasize the pedestrian connec-



tion between the upper and lower mall, such as the use of larger trees at crossings and major points of entry. Choose spacing and varieties to create a plaza-like character to encourage pedestrian activity. Trees in planters and colorful flower beds will soften the area for pedestrians but allow visual access to adjoining businesses.

The tree planting plan used along NE 128<sup>th</sup> Street between Totem Lake Boulevard and 120<sup>th</sup> Avenue NE should be continued to the segment of 120<sup>th</sup> Avenue NE between NE 128<sup>th</sup> Street and NE 132<sup>nd</sup> Street, to provide a consistent identity throughout the district.

**NE 132<sup>nd</sup> Street:** Create a strong streetscape element, inviting to the pedestrian, with street trees proportionate to adjacent land uses.

## Public Improvements and Site Features

### Issue and Discussion

The quality and character of public improvements and site features such as street and park lights, benches, planters, waste receptacles, pavement materials, and public signs are critical components of a city's image. Standards for public improvements and site features, along with a master plan for public spaces, will assist in the development of a coordinated streetscape that will unify the variety of private development. Successful standards help assure high quality, low maintenance site features, and simplify the purchase and replacement of features for parks and public works departments.

Since public improvement standards have long-term implications for the community, relevant City



departments must be involved in their development to make sure all concerns are met. Standards should permit some flexibility and address technical issues such as cost, availability, handicapped accessibility, and durability.

### Guideline

*The Department of Planning and Community Development, along with other City departments, should develop a set of public improvement and site feature standards for use in pedestrian-oriented business districts. The standards can be the same or unique for each district. A master plan for public spaces within a district should be adopted to coordinate placement of the features and otherwise carry out the Comprehensive Plan.*

The City of Kirkland should work with interested groups to design a public sign system for gateways, pathways, information kiosks, etc., with a signature color palette and identifying logo.

### Special Considerations for the Market Street Corridor

An historic style of street light should be used to reflect the nature of the 1890's buildings in the historic district at 7th Avenue and Market Street. These lights may also be used along other stretches of the corridor, particularly in the area between the Historic District and the Central Business District.

## Entry Gateway Features

### Issue

The Comprehensive Plan calls for gateway features at the key entry points into neighborhoods and business districts. Entry points differ in topography, available space, and surrounding visual character; nevertheless, gateway features should be reinforced by a unified design theme. Gateway features can be different in size or configuration, yet still incorporate similar materials, landscaping, graphics, and design elements.

### Discussion

The gateway features should frame and enhance views. Large sign bridges or flashing graphics would dominate the view and are inappropriate. Consistent elements that could be incorporated at all entry points might include:

- ◆ Distinctive landscaping such as floral displays or blue-green colored evergreen foliage.
- ◆ Multicolored masonry, perhaps forming a screen or wall on which an entry sign is placed.
- ◆ A distinctive light such as a column of glass block or cluster of globes.





- ◆ A unifying device such as the district’s logo. In Downtown Kirkland, for example, a triangular sail logo could be a metal weather vane or an actual fabric sail on a steel armature.
- ◆ A repetitive element such as a series of closely spaced sails or lights.
- ◆ A trellis incorporating landscaping. A trellis or arbor is adaptable to space constraints.
- ◆ Similar artwork such as a different animal or bird sculpture at each entry.



**Guideline**

*Construct entry gateway features at locations noted in the Comprehensive Plan. Gateways may be constructed in conjunction with commercial development. Emphasis should be placed on framing the view into the district.*

**Special Consideration for Downtown Kirkland**

The transit center is another “gateway” experience. The center should be a focal feature that provides comfort and amenities for transit users. Some form of shelter with a strong architectural identity should be pursued.

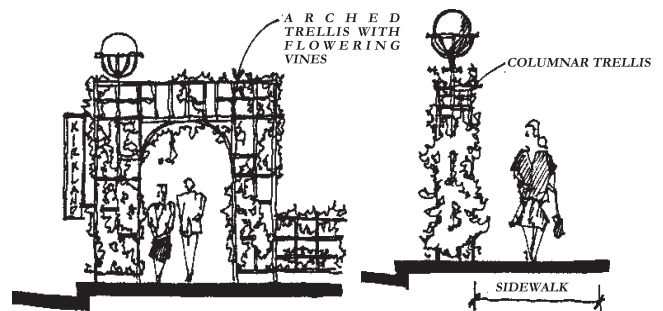
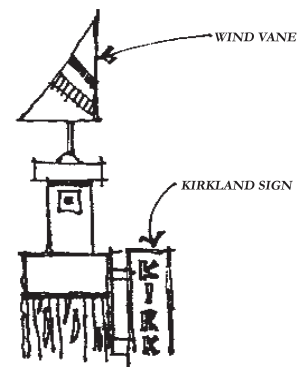
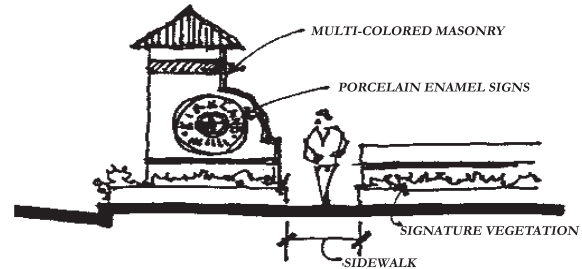
**Special Consideration for Juanita Business District**

The entry features should be “identity-giving elements” that reflect the business district and Juanita Bay. If successful they can become an identifying symbol or logo for the district and an attraction in themselves.

**Special Consideration for North Rose Hill Business District**

Use public art and private efforts to establish gateway features that strengthen the character and identity of the neighborhood. Use landscaping, signs, structures or other features that identify the neighborhood.

At the southwest corner of NE 116<sup>th</sup> Street and 124<sup>th</sup> Avenue NE a neighborhood gateway feature such as open space or plaza with signage should be integrated with a pedestrian connection linking Slater and NE 116<sup>th</sup> Street. In the alternative, a corner land mark consisting of a combination of open space and architectural building design features should be provided to identify the business district.



**Special Considerations for Totem Center**

The Transit Center on the hospital campus should be a “landmark” feature for both the Totem Center district and the hospital campus, providing a focal point for residents, employees and visitors. A combination of signs and symbols linking the transit center to the pedestrian connection along NE 128<sup>th</sup> Street, the flyer stop and the Park and Ride should be provided. Design of the transit center should be compatible with campus development yet be clearly identifiable as a facility serving the general public.

A prominent entry to the district exists at the intersection of NE 128<sup>th</sup> Street and Totem Lake Boulevard, where vehicles and pedestrians arrive from the crossing over I-405. Entry features provided in this area should contribute to the identity associated with the Totem Center district.

Public art and private efforts can be used to establish gateway features to strengthen the character and identity of Totem Center and the neighborhood. At the northern entry to Totem Center at 120<sup>th</sup> Avenue NE and NE 132<sup>nd</sup> Street, a neighborhood entry sign or other identifying neighborhood feature should be provided. Another important entry point identified in the neighborhood plan is along Totem Lake Boulevard, just east of 120<sup>th</sup> Avenue NE. A feature providing a sense of entry into the Totem Center district at this location would be appropriate.

## Public Art

### Issue

Art begins with the perceptions and expressive talents of individual artists. “Public art” applies that expression to the public realm either by its location in a public setting or by its emphasis on subjects relevant to the larger community. Public art contributes to the unique character, history, and sense of place of a community.

### Discussion

Public art is more than merely urban decoration; it can play an integral role in civic revitalization. Public art can make us more aware of our surroundings; reinforce the design character of our streets, parks, and buildings; commemorate special events; and serve as a catalyst for public activity and civic pride. At its best, art opens our eyes to new perceptions and helps us understand who we are and what is special about our community.

Public art is generally most effective when it is integrated with larger civic improvement efforts. Opportunities for art can be identified earlier and funding can be used more effectively. For example, emblems, lighting, pavement decorations, and decorative pedestrian furniture can be incorporated as part of a street improvement project at little cost to the total project such as in Seattle’s Third Avenue transit corridor, Port Angeles’s Maritime Flags, and Portland’s Transit Mall.

The involvement of an artist in the design of a park, fountain, street lighting, or signs can add a special quality that has more impact than if the artwork and the functional element were decorated separately. The famous art nouveau detailing on Paris’s metro stations is a good example.

### Guideline

*Kirkland should continue its tradition of encouraging public art pieces.*





# Parking Lot Location and Design

## Introduction

In pedestrian-oriented business districts, improperly located and poorly designed parking lots can destroy the ambiance and qualities that attract people to the district in the first place. This section contains guidelines to direct development of parking facilities. The number of required stalls is specified in the Kirkland Zoning Code. The guidelines in this section deal with:

- ◆ Parking lot location – Parking in front of buildings is discouraged, and combined lots that serve more than one business or use are encouraged.
- ◆ Parking lot entrances – The number of entries is addressed.
- ◆ Parking lot circulation and pedestrian access – Clear internal vehicular and pedestrian circulation is required, especially in large parking lots.
- ◆ Parking garages – Parking garages provide convenient, less intrusive parking. Yet, garages can themselves be intrusive since they are often large monolithic structures with little refinement, interest, or activity. The guidelines for parking garages are intended to make them fit into the scale and character of pedestrian-oriented districts.
- ◆ Parking Lot Landscaping – Parking lot landscaping should be more extensive if the lot has to be in a location that is visible from a street or public park than if the lot is located at the rear of the site hidden away from streets and neighboring properties. This provision is made to encourage parking lot development in less visible locations.

On the following pages, urban design guidelines are presented that outline design information, concepts, and solutions associated with parking lot development. They serve as a conceptual basis for the regulations in the Zoning Code.

## Parking Locations and Entrances

### Issue

Parking lots can detract from the pedestrian and visual character of a commercial area. The adverse impacts of parking lots can be mitigated through sensitive design, location, and configuration.

## Discussion

The ingress and egress of vehicles in parking lots disrupts pedestrian movement and through traffic – especially near intersections. Moreover, busy streets are a safety hazard. Parking lots that are accessed by a single curb cut reduce potential conflict and use land more efficiently. Also, combining the parking lots of individual stores into a large parking network makes it easier for patrons to find convenient parking stalls.

Parking lots should be encouraged in rear or side yards. The parking lot at Wendy's restaurant on Central Way is an example of this configuration.

The City of Seattle limits parking lot access on pedestrian-oriented streets such as Broadway on Capitol Hill.



## Guideline

**Minimize the number of driveways by restricting curb cuts and by encouraging property and business owners to combine parking lot entrances and coordinate parking areas. Encourage side and rear yard parking areas by restricting parking in front yards. Require extensive screening where there is front yard parking.**

## Special Consideration for Downtown Kirkland

Parking lot location and design is critical on busy entry streets such as Market Street, Central Way, Lake Street, Kirkland Avenue, and in the congested core area where pedestrian activities are emphasized. The *Downtown Plan* calls for limiting the number of vehicle curb cuts.

## Special Consideration for Juanita Business District and North Rose Hill Business District

Shared accesses and reciprocal vehicular easements should be established in order to reduce the number of curb cuts. The Juanita Business District Plan also encourages shared parking/service areas in Land Use Area JBD-1. This is particularly critical in TL 2, where buildings should front on 120<sup>th</sup> Avenue NE to foster the desired pedestrian-oriented environment.



## Special Consideration for Totem Center

Throughout Totem Center, parking areas located between the street and the building should be discouraged. This is particularly critical in TL 2, where buildings should front on 120<sup>th</sup> Avenue NE to foster the desired pedestrian-oriented environment.

## Circulation Within Parking Lots

### Issue

Large parking lots can be confusing unless vehicle and pedestrian circulation patterns are well organized and marked. Parking lots should be combined to reduce driveways and improve circulation.

### Discussion

*Vehicle Circulation.* Parking lots should have few dead-end parking lanes and provide drive-through configurations. The APA *Aesthetics of Parking* publication recommends channelized queuing space at the entrances and exits to parking lots to prevent cars from waiting in the street.

*Pedestrian Circulation.* Good pedestrian circulation is critical. A clear path from the sidewalk to the building entrance should be required for all sites, even through parking lots in front yards. For sites with large parking lots, clear pedestrian circulation routes within the lot from stalls to the building entrances should be provided. In addition, a raised concrete pavement should also be provided in front of the entrance as a loading or waiting area so the entrance will not be blocked by parked vehicles. Finally, pedestrian access between parking lots on adjacent properties should be provided.

### Guideline

*Parking lot design should be clear and well organized. Space should be provided for pedestrians to walk safely in all parking lots.*

## Special Consideration for Downtown Kirkland

Because land is limited in Downtown Kirkland, efficient and compact parking lot configurations are a top priority. Parking lots in the periphery of the core area that accommodate about 100 vehicles (approximately 3/4 to 1 acre) should be articulated with landscaped berms.

## Parking Lot Landscaping

### Issue

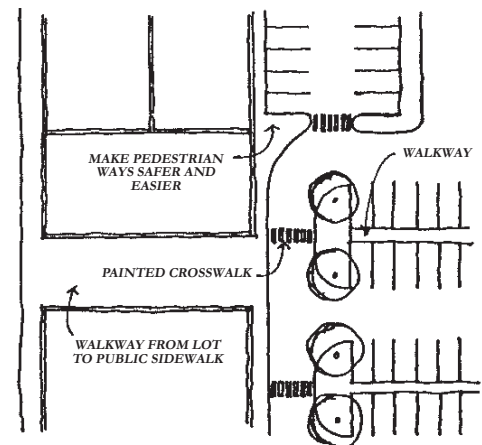
Parking lots are typically unsightly, require vast quantities of space, break the links between buildings, and destroy the continuity of streetfronts. If possible, parking lots should be located at the rear of buildings. When this is not possible, landscaping can be used to break up and screen parking lots.

### Discussion

Parking lots can be concealed by a structural screen wall or through the use of plant materials. Plant materials can create dense, hedge-like screens, separating lots from adjacent uses or public right-of-ways. Perimeter plantings must provide an adequate screen. A screen wall constructed in a similar style as adjacent development may be used in lieu of perimeter landscaping.

Trees along the edges of and within parking lots can effectively soften an otherwise barren and hostile space. Interior plantings can be consolidated to provide islands of greenery or be planted at regular intervals. Use of drought-tolerant plants can improve the likelihood that the landscaping will survive and look good.

Landscaping guidelines should be flexible and allow creative screening methods (e.g., clustering trees, berming, mixing structures, and trees). Less landscaping should be required if the lot is hidden from view.



### Guideline

*Parking lots must be integrated with the fabric of the community by creatively using landscaping to reduce their visual impact.*



### Special Considerations for the Market Street Corridor

Screening and landscaping should be required where parking is adjacent to single family residential uses in order to reduce impacts on the adjoining homes.

### Special Consideration for Juanita Business District, North Rose Hill Business District and Totem Center

Screening and landscaping should be required where parking is adjacent to sidewalks in order to improve visual qualities and reduce clutter.

Within TL 2, the provision of landscaping to soften the impacts of cars and pavement is important. Clusters of trees rather than single trees may be more effective in certain portions of the mall's parking areas. Visibility of the mall from the freeway should be considered when evaluating the locations and types of landscaping to be used.

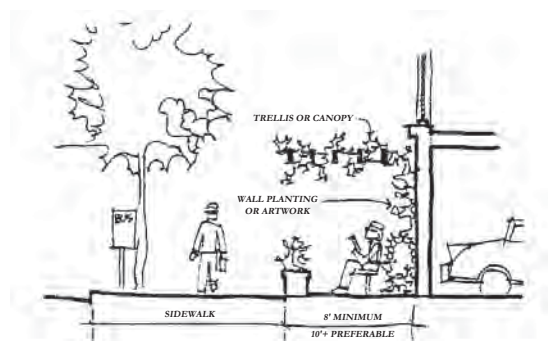
## Parking Garages Issue

Parking garages are some of the most unattractive buildings built during the past several decades. Most new parking structures are designed with little or no attention to screening or treatment of the facades.

### Discussion

There are several ways to mitigate the visual impacts of parking garages in the urban environment. A garage in a pedestrian area can contain a pedestrian-oriented retail use in the ground floor area of the garage adjacent to the street. Cafes, newsstands, or other small shops can fit well within the typical parking garage, requiring the space equivalent to only one 20' bay of parking.

Also, parking garages can be set back to provide space for a small landscaped plaza with a seating area. Moreover, the wall of the garage behind the plaza can be used as a canvas for landscaping or artwork. Also, the plaza could be covered with a glass canopy or trellis. The plaza should face south to receive sunlight. A plaza of this type is ideal for bus stops or street vendors.



In non-pedestrian areas, dense landscaping around the perimeter of parking garages can help screen their bulk. Strict standards for minimum landscaping around garages should be developed.

### Guideline

*The intrusive qualities of parking garages must be mitigated. In pedestrian areas, ground-level retail uses or appropriate pedestrian spaces should be required. Also, extensive landscaping should be required near residential areas and in highvisibility locations. On hillsides and near residential areas the stepping back or terracing of upper stories should be considered to reduce scale.*

### Special Consideration for Downtown Kirkland

Garages built on Downtown Kirkland's perimeter slopes, near residential areas, or near the waterfront can fit less obtrusively into the landscape when terraced. Treatment of the facade of the parking structure can be just as effective in mitigating the visual impacts of parking garages as pedestrian-oriented businesses, plazas, or landscaped setbacks at the ground level.

### Special Consideration for Totem Center

The development densities planned for Totem Center may result in the need for large parking structures to support them. Careful design of the structures will be important to retain a visually attractive environment.

The location of parking structures along pedestrian-oriented streets or pedestrian pathways should be discouraged. Where parking structures cannot be located underground and must be provided on the ground floor, an intervening use is desirable to retain the visual interest along the street. If parking areas are located in a separate structure from the primary use, the structure must be set back from the street, and screened with substantial landscaping.

Within TL 2, if it is not possible or practical to locate parking structures behind a building or underground, structured parking should be developed, oriented and screened to complement adjacent buildings, reduce automobile/pedestrian conflicts, and support the pedestrian environment. Artwork, display windows, trellises and/or dense vegetation are examples of screening devices that may be successful in balancing the scale of the structure with the pedestrian environment.







## Introduction

When architects talk about a building’s “scale,” they generally mean the perceived size of the building relative to an individual person or its surroundings. The term “human scale” is used to indicate a building’s size relative to a person, but the actual size of a building or room is often not as important as its perceived size. Architects use a variety of design techniques to give a space or structure the desired effect; whether it be to make a room either more intimate or spacious, or a building either more or less imposing. Frank Lloyd Wright, for example, used wide overhangs and horizontal rooflines to make his prairie-style houses appear lower and longer, better fitting into the flat, midwestern landscape. Unless the objective is to produce a grandiose or imposing building, architects generally try to give a building a “good human scale,” meaning that the building is of a size and proportion that feels comfortable. For most commercial buildings, the objective is to attract customers and visitors by designing comfortable, inviting buildings.

Generally, people feel more comfortable in a space where they can clearly understand the size of the building by visual clues or proportions. For example, because we know from experience the size of typical doors, windows, railings, etc., using traditionally-sized elements such as these provides a sense of a building’s size. Greek temples that feature columns, but not conventional doors, windows, or other elements, do not give a sense of human scale (although the Greeks subtly modified the properties and siting of their temples to achieve the desired scale). The guidelines in this section describe a variety of techniques to give a comfortable human scale by providing building elements that help individuals relate to the building.

“Architectural scale” means the size of a building relative to the buildings or elements around it. When the buildings in a neighborhood are about the same size and proportion, we say they are “in scale.” It is important that buildings have generally the same architectural scale so that a few buildings do not overpower the others. The exception to this rule is an important civic or cultural building that has a prominent role in the community. For example, nobody accuses a beautiful cathedral in a medieval European town of being “out of scale.” Because the Comprehensive Plan encourages a variety of different uses and building heights, such as in Downtown Kirkland, the buildings’ sizes will vary widely. To achieve a more harmonious relationship between the buildings and a more consistent character, design techniques should be used to break the volume of large buildings down into smaller units. Several guidelines in this section are directed toward achieving a consistent scale within districts.

The following guidelines illustrate some design techniques to give buildings a “sense of scale.” The regulations in the Zoning Code related to scale require that project architects address the issues of human and architectural scale while providing a wide range of options to do so.

## Fenestration Patterns

### Issue

The size, location, and number of windows in an urban setting creates a sense of interest that relies on a subtle mixture of correct ratios, proportions, and patterns. Excess window glazing on a storefront provides little visual contrast; blank walls are dull and monotonous. The correct window-to-wall ratio and a mix of fenestration patterns can create an enjoyable and cohesive urban character on both pedestrian- and automobile-oriented streets.

Many local contemporary buildings have “ribbon windows” (continuous horizontal bands of glass) or “window walls” (glass over the entire surface). Although effective in many settings, these window types do little to indicate the scale of the building and do not necessarily complement the architecture of small-scaled buildings. Breaking large expanses or strips of glass with mullions or other devices can help to give the building a more identifiable scale.



## Discussion

According to an old architectural cliché, windows are a building's eyes. We look to windows for visual clues as to the size and function of the building. If the window areas are divided into units that we associate with small-scale commercial buildings, then we will be better able to judge the building's size relative to our own bodies. Breaking window areas into units of about 35 square feet or less with each window unit separated by a visible mullion or other element at least 6 inches wide would accomplish this goal. Another successful approach is multiple-paned windows with visible mullions separating several smaller panes of glass. But on the ground floor where transparency is vital to pedestrian qualities, this device may be counterproductive.

Patterns of fenestration should vary depending on whether the street is pedestrian- or automobile-oriented. A window pattern that is interesting from a car may be monotonous to a slow-moving pedestrian; likewise, a window pattern that is interesting to a pedestrian may seem chaotic from a fast-moving car. Thus, pedestrian-oriented fenestration should allow for more complex arrangements and irregularity while automobile-oriented fenestration should have more gradual changes in pattern and larger and more simple window types.

An optimum design goal would allow for varied treatment of window detailing with unifying features such as 18" to 24" sills, vertical modulation in structure, varied setbacks in elevation, and more highly ornamented upper-story windows. Excessive use of ribbon windows throughout a building does not engage the eye and should be avoided.

## Guideline



***Varied window treatments should be encouraged. Ground floor uses should have large windows that showcase storefront displays to increase pedestrian interest. Architectural detailing at all window jambs, sills, and heads should be emphasized.***

## Special Considerations for the Market Street Corridor

Window treatment in the historic district should reflect the trim detailing, size, proportions, location and number of windows in the existing historic buildings in the district.

### Special Consideration for Downtown Kirkland

Breaking larger window areas into smaller units to achieve a more intimate scale is most important in Design Districts 1, 2, 4, 8, and the southwest portion of 3 where new buildings should fit with older structures that have traditional-styled windows. Architectural Elements Decks, Bay Windows, Arcades, Porches.

## Architectural Elements: Decks, Bay Windows, Arcades, Porches Issue

Special elements in a building facade create a distinct character in an urban context. A bay window suggests housing, while an arcade suggests a public walkway with retail frontage. Each element must be designed for an appropriate urban setting and for public or private use. A building should incorporate special features that enhance its character and surroundings. Such features give a building a better defined "human scale."

## Discussion

Requirements for specific architectural features should be avoided and variety encouraged. Building designs should incorporate one or more of the following architectural elements: arcade, balcony, bay window, roof deck, trellis, landscaping, awning, cornice, frieze, art concept, or courtyard. Insistence on design control should take a back seat to encouraging the use of such elements.

## Guideline

***Architectural building elements such as arcades, balconies, bay windows, roof decks, trellises, landscaping, awnings, cornices, friezes, art concepts, and courtyards should be encouraged.***





**Special Consideration for Downtown Kirkland**

Pedestrian features should be differentiated from vehicular features; thus fenestration detailing, cornices, friezes, and smaller art concepts should be concentrated in Design Districts 1 and 2, while landscaping and larger architectural features should be concentrated in Design Districts 3, 5, 7, and 8.

**Special Consideration for Totem Center**

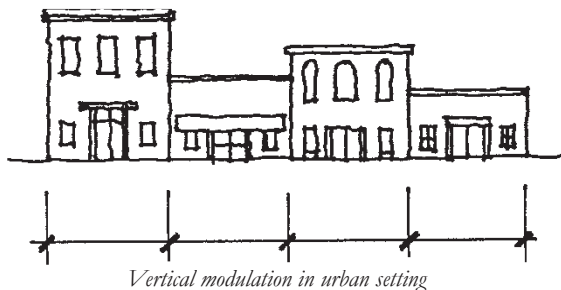
Balconies provide private open space, and help to minimize the vertical mass of structures. Residential building facades visible from streets and public spaces should provide balconies of a sufficient depth to appear integrated with the building and not “tacked on”.

**Building Modulation – Vertical Issue**

Vertical building modulation is the vertical articulation or division of an imposing building facade through architectural features, setbacks, or varying rooflines. Vertical modulation adds variety and visual relief to long stretches of development on the streetscape. By altering an elevation vertically, a large building will appear to be more of an aggregation of smaller buildings. Vertical modulation is well-suited for residential development and sites with steep topography.

**Discussion**

Urban design guidelines should address vertical modulation in order to eliminate monotonous facades. Vertical modulation may take the form of balcony setbacks, varied rooflines, bay windows, protruding structures, or vertical circulation elements – the technique used must be integral to the architecture.



Vertical modulation is important primarily in neighborhoods where topography demands a stepping down of structures. The vertical modulation of a large development project in a residential area can make the project appear to be more in scale with the existing neighborhood. Long facades can be vertically modulated to better conform to the layout and development pattern of single-family houses. The vertical modulation of buildings on steep slopes also provides terraced development rather than one single building block, thereby better reflecting the existing terrain.

**Guideline**

***Vertical building modulation should be used to add variety and to make large buildings appear to be an aggregation of smaller buildings.***



*This building uses both horizontal and vertical modulation to add interest and reduce its visual bulk.*

**Special Considerations for Totem Center**

Since greater heights are allowed in TL 1 than elsewhere in the city, the impacts of increased height are a concern. Impacts associated with taller buildings are generally ones of reduced open space and privacy, shadowing and loss of light.

Massing of development in slimmer but taller towers rather than in shorter, wider buildings presents an opportunity to create open space between existing buildings, particularly when buildings step back from property lines and neighboring structures. For new buildings to fit in to the existing setting, a balance between higher and lower structures should be maintained.

To preserve openness between structures, separation between towers, both on a development site and between adjacent properties, should be provided. The specific separation should be determined based on height, relation and orientation to other tall structures, configuration of building mass and solar access to public spaces.

Taller buildings or “towers” in TL 1 should have relatively compact floor plates. The use of towers above a two-three story podium creates a varied building footprint and the perception of a smaller overall building mass. When the building’s mass is instead concentrated in lower buildings with larger floor plates, greater emphasis should be placed on open space and plazas to provide relief at the pedestrian level.

Design treatments used in the upper portion of a building can promote visual interest and variety in the Totem Center skyline. Treatments that sculpt the facades of a building, provide for variety in materials, texture, pattern or color, or provide a specific architectural rooftop element can contribute to the creation of a varied skyline.

### Special Considerations for Neighborhood Business Districts

#### Issue

Because these districts are typically integrated into residential areas, the design should reflect the scale of the neighborhood by avoiding long façades without visual relief.

#### Guideline

*Façades over 120 feet in length should incorporate vertical definition including substantial modulation of the exterior wall carried through all floors above the ground floor combined with changes in color and material.*

### Building Modulation – Horizontal

#### Issue

Horizontal building modulation is the horizontal articulation or division of larger building façades. The lower portion of a multi-story building should incorporate pedestrian-scale elements and a strong base. The top of the building should incorporate distinctive roof treatments. Elevations that are modulated with horizontal elements appear less massive than those with sheer, flat surfaces. Horizontal modulation is well suited to downtown areas and automobile-oriented streetscapes where the development of tall building masses is more likely.

#### Discussion

A lively urban character uses a variety of architectural forms and materials that together create an integrated pattern of development with recurring architectural features. Horizontal awnings, balconies, and roof features should be incorporated into new development provided that their appearance varies through the use of color, materials, size, and location.



*Horizontal modulation elements: canopy, brick banding, and window details.*

#### Guideline

*Horizontal building modulation may be used to reduce the perceived mass of a building and to provide continuity at the ground level of large building complexes. Building design should incorporate strong pedestrian-oriented elements at the ground level and distinctive roof treatments.*

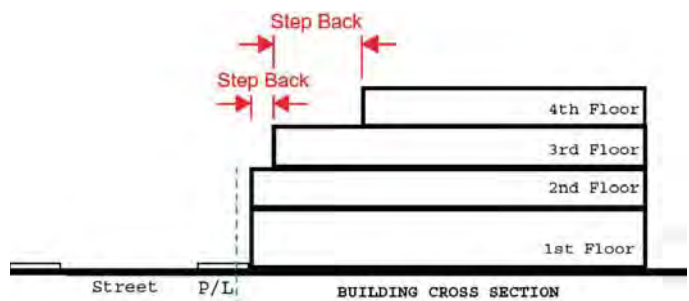
### Special Consideration for Downtown Kirkland

Large-scale developments, particularly east of the core area, should stress continuity in streetscape on the lower two floors. Setback façades and varied forms should be used above the second stories.

### Special Consideration for Building Massing in Central Business District 1 (CBD 1A & 1B) - Upper Story Step Backs

#### Issue

Taller buildings can negatively affect human scale at the street level and should be mitigated. Upper story step backs provide a way to reduce building massing for larger structures. An upper story building step back is the horizontal distance between a building façade and the building façade of the floor below.



By reducing mass at upper stories, visual focus is oriented towards the building base and the pedestrian experience. In addition, greater solar access may be provided at the street level due to the wider angle which results from the recessed upper stories

↑ insert and Finn Hill Neighborhood Center (FHNC)



*Marina Heights*

Upper story step backs are appropriate in areas where taller buildings are allowed and imposing building facades at the sidewalk are intended to be avoided.

### Discussion

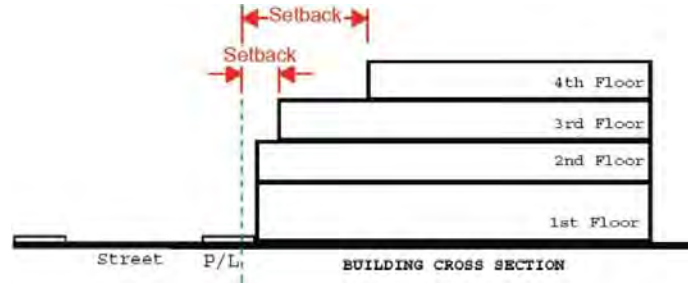
Design guidelines should address upper story step backs to improve the pedestrian experience and maintain human scale. When viewed from across the street, upper story step backs generally reduce perceived building massing and provide additional sunlight at the ground level. When viewed from the sidewalk immediately adjacent to the building, upper story step backs reduce the view of the upper stories and help maintain pedestrian scale by preventing large buildings from looming over the sidewalk.

Since the benefits of upper story step backs are primarily experienced from the public realm in front of buildings, the step backs should be located within a zone along the front property line.

Overly regimented building forms along front facades should be avoided to prevent undesirable building design. The arrangement of building step backs should create varied and attractive buildings consistent with the principles discussed in previous sections.

Upper story step backs also allow for additional eyes on the street in the form of decks and/or balconies. Upper story activities help improve the relationship of the building to the streetscape. Landscaping should also be incorporated at the upper stories to help soften building forms.

In order to quantify upper story step backs, measurement should be taken from the property line. Setback is the term used to describe the distance of a structure from the property line. By measuring from the pre-existing property line, setbacks provide for consistency in measurement and will account for projects where additional right-of-way is proposed or required along the property frontage for wider sidewalks and/or additional public open space.

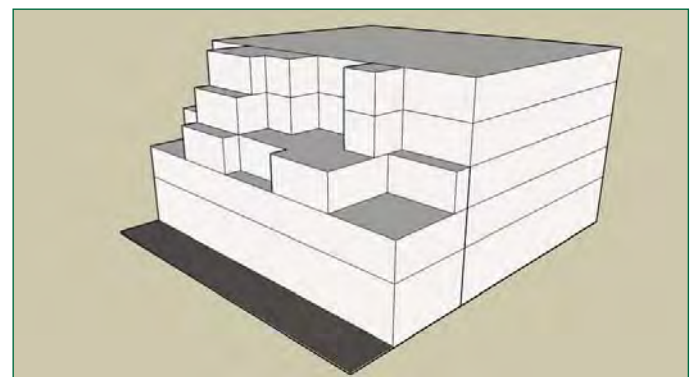


The required upper story setback should be allowed to be reduced if an equal amount of beneficial public open space is provided at the street level. A certain amount of building cantilevering over sidewalks may also be allowed if the pedestrian environment is not adversely affected.

The Kirkland Zoning Code establishes the requirements for upper story setbacks and provisions for allowing reductions to the required upper story setbacks in exchange for open space at the street level. The following guidelines are intended to provide the Design Review Board the tools to create varied and attractive buildings.

### Guidelines - Upper Story Setbacks

- ◆ ***Buildings above the second story (or third story where applicable in the Downtown Plan) should utilize upper story step backs to create receding building forms as building height increases, allow for additional solar access, and maintain human scale at the street level.***
- ◆ ***The final arrangement of building mass should be placed in context with existing and/or planned improvements, solar access, important street corners, and orientation with the public realm.***
- ◆ ***A rigid stair step or “wedding cake” approach to upper story step backs is not appropriate.***
- ◆ ***Decks and/or balconies should be designed so that they do not significantly increase the apparent mass of the building within the required upper story setback area.***



*Varied step back approach*



- ◆ *In addition to applying setbacks to upper stories, building facades should be well modulated to avoid blank walls and provide architectural interest.*
- ◆ *Along pedestrian oriented streets, upper story building facades should be stepped back to provide enough space for decks, balconies and other activities overlooking the street*
- ◆ *Landscaping on upper story terraces should be included where appropriate to soften building forms and provide visual interest.*
- ◆ *Continuous two or three story street walls should be avoided by incorporating vertical and horizontal modulations into the building form.*
- ◆ *Limited areas of vertical three, four, or five story walls can be used to create vertical punctuation at key facades. Special attention to maintain an activated streetscape is important in these areas.*
- ◆ *For properties on Park Lane which front multiple streets and upper story setbacks are proposed to be averaged, concentration of upper story building mass along Park Lane should be avoided.*

### **Guideline - Open Space at Street Level**

*Reductions to required upper story setbacks may be appropriate where an equal amount of beneficial public open space is created at the street level consistent with the following principles:*

- ◆ *Public open space should be open to the sky except where overhead weather protection is provided (e.g. canopies and awnings).*
- ◆ *The space should appear and function as public space rather than private space.*
- ◆ *A combination of lighting, paving, landscaping and seating should be utilized to enhance the pedestrian experience within the public open space.*
- ◆ *Public open space should be activated with adjacent shops, outdoor dining, art, water features, and/or landscaping while still allowing enough room for pedestrian flow.*
- ◆ *Where substantial open space “trade-offs” are proposed, site context should be the primary factor in the placement of the public open space (e.g. important corners, solar access.)*

### **Guideline - Building Cantilevering Over Sidewalks**

*Buildings may be allowed to cantilever over sidewalks if a sidewalk dedication and/or easement is required consistent with following guidelines:*

- ◆ *The total length of cantilevered portions of a building should be no more than 1/3rd of the entire length of the building façade. The cantilevered portions of a building should be spread out and not consolidated in a single area on the building façade.*
- ◆ *Unobstructed pedestrian flow should be maintained through the subject property to adjoining sidewalks.*
- ◆ *Space under the building cantilever should appear and function as part of the public realm.*
- ◆ *The sense of enclosure is minimized.*

## **Special Considerations for Neighborhood Business Districts**

### **Issue**

Insert FHNC 

Where buildings are close to the street in these neighborhood areas, vertical building massing can negatively affect human scale at the street level. Upper story step backs provide a way to reduce building massing. An upper story building step back is the horizontal distance between a building façade and the building façade of the floor below.

### **Guideline**

*Above the ground floor, buildings should utilize upper story step backs to create receding building forms as building height increases. Rather than a rigid stair step approach, varied step back depths and heights should be used to create well modulated façades and usable decks and balconies overlooking the street.*

### **Issue**

Within the South Rose Hill Neighborhood Plan, additional mitigation of scale impacts is called for.

### **Guideline**

*Building height, bulk, modulation, and roofline design should reflect the scale and character of adjoining single-family development.*



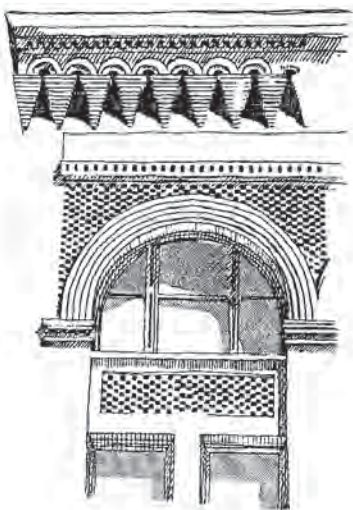
# Building Material Color and Detail

## Introduction

Many historic cities and towns owe much of their charm to a limited palette of building materials. One thinks of how the white clapboard houses of a New England village or the tile-roofed structures of an Italian hill town provide a more unified, consistent visual character. Today, there is a wide spectrum of building materials available, and modern towns such as Kirkland feature a variety of materials and colors. Architects have demonstrated that materials often considered unattractive, such as cinderblocks or metal siding, can be successfully used in attractive, high-quality buildings.

When buildings are seen from a distance, the most noticeable qualities are the overall form and color. If we take the typical building in Kirkland to be 100' wide and 35' tall, then we must be at least 200' away from the building for it to fit within our cone of vision so that we can perceive its overall shape. At that distance, windows, doors, and other major features are clearly visible.

However, as we approach the building and get within 60' to 80' from the building (approximately the distance across a typical downtown street), we notice not so much the building's overall form as its individual elements. When we get still closer, the most important aspects of a building are its design details, texture of materials, quality of its finishes, and small, decorative elements. In a pedestrian-oriented business district, it is essential that buildings and their contents be attractive up close.



Therefore, these design guidelines are intended to allow a variety of materials and colors, but direct the use of certain materials so that their application does not significantly detract from design consistency or quality. Most of the regulations in the Zoning Code deal with the application of specific materials such as metal siding and cinderblocks so that their potentially negative characteristics are minimized. In addition, the guidelines include guidelines and regulations that require all buildings to incorporate design details and small-scale elements into their facades.

## Ornament and Applied Art

### Issue

Ornament and applied art add quality, visual interest, and a sense of human scale to the built environment. It is necessary to understand the place and appropriateness of ornament in order to maintain a cohesive and integrated urban setting.

### Discussion

Ornament and applied art can be used to emphasize the edges and transition between public and private space, and between walls to ground, roof to sky, and architectural features to adjacent elements. Ornament may consist of raised surfaces, painted surfaces, ornamental or textured banding, changing of materials, or lighting. Therefore, buildings should incorporate art features that emphasize architectural elements and connections. Ornament should also maintain a cohesive relationship to its setting, emphasizing its connection to the surrounding space.

### Guideline

***Ornament and applied art should be integrated with the structures and the site environment and not haphazardly applied. Significant architectural features should not be hidden, nor should the urban context be overshadowed. Emphasis should be placed on highlighting building features such as doors, windows, eaves, and on materials such as wood siding and ornamental masonry. Ornament may take the form of traditional or contemporary elements. Original artwork or hand-crafted details should be considered in special areas.***





## Special Considerations for the Market Street Corridor

Emphasis on building features such as doors, windows, cornice treatment, bricks and ornamental masonry should be taken into consideration when designing new or remodeled buildings in the historic district. These features should be in keeping with the building materials, colors and details of the existing historic buildings.

## Color

### Issue

Color bolsters a sense of place and community identity (e.g., white New England villages, adobe-colored New Mexico towns, limestone Cotswold villages). Kirkland should consider emphasizing the existing color scheme and developing a unified design identity.

### Discussion

A variety of colors should be used in Kirkland. By no means should design be limited by overly-restrictive guidelines dictating color use. Based on Kirkland's existing color scheme, the following general guidelines can prevent garish, incongruous colors from being inappropriately applied or juxtaposed to more subdued earth tones and colors.

- ◆ Where appropriate, use the natural colors of materials such as brick, stone, tile, and stained wood (painted wood is acceptable).
- ◆ Use only high-quality coatings for concrete.
- ◆ Emphasize earth tones or subdued colors such as barn red and blue-gray for building walls and large surfaces.
- ◆ Reserve bright colors for trim or accents.
- ◆ Emphasize dark, saturated colors for awnings, and avoid garish and light colors that show dirt.
- ◆ Avoid highly-tinted or mirrored glass (except stained-glass windows).
- ◆ Consider the color of neighboring buildings when selecting colors for new buildings.

### Guideline

***Color schemes should adhere to the guidelines enumerated above. The use of a range of colors compatible within a coordinated color scheme should be encouraged.***

## Street Corners

### Issue

Street corners provide special opportunities for visual punctuation and an enhanced pedestrian environment. Buildings on corner sites should incorporate architectural design elements that create visual interest for the pedestrian and provide a sense of human proportion and scale.

### Discussion

Corners are crossroads and provide places of heightened pedestrian activity. Rob Krier notes that: "The corner of a building is one of the most important zones and is mainly concerned with the mediation of two facades." Corners may be accentuated by towers and corner building entrances.



### Guideline

***Buildings should be designed to architecturally enhance building corners.***

### Special Consideration for Downtown Kirkland

Special attention should be paid to both the design and detailing of new buildings on corner sites in the pedestrian oriented design districts. Existing buildings could incorporate some of these elements (human-scale and visual punctuation) through the use of such elements as awnings and well-designed signs at the corner.

Downtown Kirkland has several "T" intersections, and the building located at the terminus of the street view corridor presents a high-visibility opportunity for special architectural treatment.

The corner of Central Way and Third Street marks a prominent gateway to the core area as well as the Downtown Transit Center and deserves special design emphasis.



## Signs

### Issues

Kirkland's Zoning Code regulates signs throughout the city in order to create a high-quality urban environment. Automobile-oriented signs typically found on commercial strips can be overpowering and obtrusive. Pedestrian signs are smaller and closer to viewers; thus, creative, well-crafted signs are more cost effective than large signs mounted high on poles.

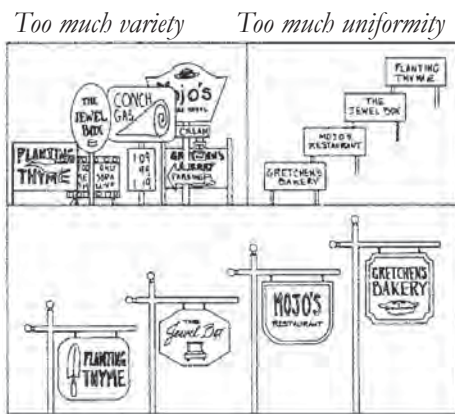
Signs should be an integral part of a building's facade. The location, architectural style, and mounting of signs should conform with a building's architecture and not cover up or conflict with its prominent architectural features. A sign's design and mounting should be appropriate for the setting.

### Discussion

Pedestrian-oriented signs are most effective when located within 15' of the ground plane. Three-inch-high letters can be read at 120' and 6" letters read at 300'. Large lettering is not necessary. The signs should be aligned to people on sidewalks and not automobile drivers. "Blade" signs or single signs hanging below canopies or small signs located on canopies or awnings are effective.

Signs with quality graphics and a high level of craftsmanship are important in attracting customers. Sculpted signs and signs that incorporate artwork add interest. Signs with front lighting and down lighting (but not internal lighting) are recommended. Neon signs are appropriate when integrated with the building's architecture.

Generic, internally-lit "can" signs that are meant to be set anywhere are not appropriate. Ground-mounted signs should feature a substantial base and be integrated with the landscaping and other site features. Mounting supports should reflect the materials and design character of the building or site elements or both.



*Though unified by common design elements, signs can still express the individual character of businesses.*

### Guidelines

- ◆ All signs should be building-mounted or below 12' in height if ground mounted. Maximum height is measured from the top of the sign to the ground plane.
- ◆ No off-premises commercial signs, except public directional signs, should be permitted. No billboards should be permitted.
- ◆ Signs for individual parking stalls should be discouraged. If necessary, they should not be higher than necessary to be seen above bumpers. Parking lot signs should be limited to one sign per entrance and should not extend more than 12' above the ground.
- ◆ Neon signs, sculptural signs, and signs incorporating artwork are encouraged.
- ◆ Signs that are integrated with a building's architecture are encouraged.
- ◆ Shingle signs and blade signs hung from canopies or from building facades are encouraged.
- ◆ Traditional signs such as barber poles are encouraged.

### Special Considerations for Downtown Kirkland

- ◆ The Downtown Plan's mandate for high-quality development should also be reflected in sign design.
- ◆ No internally lit plastic-faced or can signs should be permitted.
- ◆ All signs in the downtown should be pedestrian-oriented. Master-planned sites such as Parkplace may also include signs oriented to automobile traffic for the whole complex.

### Special Considerations for Totem Center

- ◆ Signs within the TL2 should be coordinated through a sign package for the entire property.

### Special Considerations for the Market Street Corridor

Electrical signs are not allowed along the Market Street Corridor. Signs within the historic district should reflect the historic nature of the buildings in the area.



# Natural Features

## Introduction

### General

An important aspect of a pedestrian-oriented business district is its physical setting. Natural features of a place are key to residents' and visitors' perception. This section lays out guidelines which serve to merge the design of structures and places with the natural environment. It discusses concepts behind new landscaping as well as the maintenance and protection of existing natural features.

### *Special Considerations for Downtown Kirkland*

A primary goal stated in the Downtown Plan's Vision Statement is to "clarify Downtown's natural physical setting." Besides its excellent waterfront, Downtown Kirkland's most important natural feature is its bowl-shaped topography which provides views down from the heights and views from the downtown of the wooded hillsides surrounding the district. The valley topography also helps to define the downtown's edges and facilitates the transition from largely commercial activities in the valley floor to the mostly residential areas in the uplands. Although Peter Kirk Park is a man-made open space, it too provides a naturalizing function.

### *Special Considerations for Juanita Business District*

The underlying goal of redevelopment in the business district is to create a neighborhood-scale, pedestrian district which takes advantage of the amenities offered by Juanita Bay.

### *Special Considerations for Totem Center*

An important goal in the Totem Lake Neighborhood Plan is to establish a "greenway" extending in an east/west direction across the neighborhood. Portions of the greenway follow Totem Lake Boulevard, along the western boundary of TL 2. Properties abutting the designated greenbelt should be landscaped with materials that complement the natural areas of the greenway where possible.

## Visual Quality of Landscapes

### Issue

The relationship between landscaping and architecture is symbiotic; plant materials add to a building's richness, while the building points to the architectural qualities of the landscaping.

### Discussion

Foliage can soften the hard edges and improve the visual quality of the urban environment. Landscaping treatment in the urban environment can be categorized as a *pedestrian/ auto, pedestrian, or building landscape*.



***The Pedestrian/Auto Landscape*** applies to where the pedestrian and auto are in close proximity. Raised planting strips can be used to protect the pedestrian from high-speed and high-volume traffic. Street trees help create a hospitable environment for both the pedestrian and the driver by reducing scale, providing shade and seasonal variety, and mitigating noise impacts.

***The Pedestrian Landscape*** offers variety at the ground level through the use of shrubs, ground cover, and trees. Pedestrian circulation, complete with entry and resting points, should be emphasized. If used effectively, plant materials can give the pedestrian visual cues for moving through the urban environment. Plant materials that provide variety in texture, color, fragrance, and shape are especially desirable.

***The Building Landscape.*** Landscaping around urban buildings – particularly buildings with blank walls – can reduce scale and add diversity through pattern, color, and form.

Examples of how landscaping is used to soften and enhance the visual quality of the urban environment include:

- ◆ Dense screening of parking lots;
- ◆ Tall cylindrical trees to mark an entry;





- ◆ Continuous street tree plantings to protect pedestrians;
- ◆ Several clusters of dense trees along long building facades;
- ◆ Cluster plantings at focal points;
- ◆ Parking with trees and shrubs planted internally as well as on the perimeter.

**Guidelines**

*The placement and amount of landscaping for new and existing development should be mandated through design standards. Special consideration should be given to the purpose and context of the proposed landscaping. The pedestrian/auto landscape requires strong plantings of a structural nature to act as buffers or screens.*

*The pedestrian landscape should emphasize the subtle characteristics of the plant materials. The building landscape should use landscaping that complements the building's favorable qualities and screens its faults.*

**Special Consideration for North Rose Hill Business District**

A dense landscape buffer should be utilized to provide a transition separating commercial uses from adjoining single family or multi-family residential uses.

**Special Consideration for Totem Center**

Within TL 1, special landscaping elements such as gateways, arches, fountains and sculptures should be incorporated, in order to create a lively streetscape and provide visual interest along the street edge. Where possible, existing mature landscaping should be retained and incorporated into new development to soften the impact of increased site coverage and preserve the green character of the area.

**Protection and Enhancement of Wooded Slopes**

**Issue**

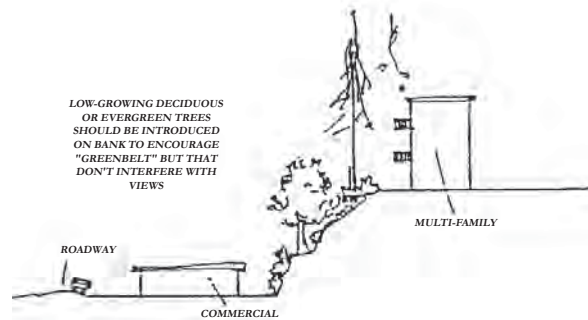
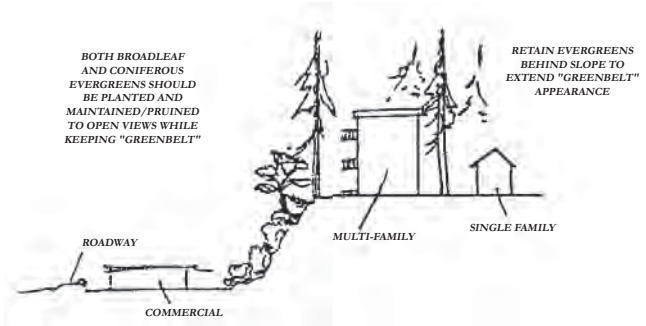
Topography provides opportunities for natural screening that maintains views.

**Discussion**

New plantings on wooded slopes should be selected for their slender, open growth pattern. Limbing-up and thinning-out branches should also be allowed to maintain views while keeping the character of the wooded hillsides. Weed species should be removed and replaced with appropriate native species. Wooded slopes can:

- ◆ Reduce visual impacts of the urban environment.

- ◆ Separate uses by providing a transition zone.
- ◆ Mitigate urban noise and air pollution for upland uses.
- ◆ Provide wildlife habitat.



**Guidelines**

*Vegetation on slopes should be preserved and maintained as a buffer using native vegetation wherever possible.*

*New multifamily and single-family residential developments on slopes should be required to retain about 30 percent of the site in wooded open space and inventoried significant trees. Tree removal or enhancement can be determined by the use and site design.*

*Property owners of lowlands should be sensitive to upland uses and enhance hillsides to maintain existing views. Deciduous trees should be restricted to small varieties; coniferous evergreens should be thinned-out or limbed-up to allow for views from adjoining properties.*

*In developments above view slopes, coniferous evergreens should be incorporated into the site back from the slope to give continuity with the wooded slope. The back sides of commercial lots at the base of hillsides should be planted to screen upland properties from unsightly views of rooftops.*

### ***Special Consideration for Downtown Kirkland***

Using and enhancing existing wooded slopes is especially important to Kirkland's natural setting. The hillsides surrounding Downtown Kirkland can provide a "ring of green." As vegetation ascends the slope it provides a "greenbelt" effect. The proper maintenance or enhancement of such slopes need not disrupt view corridors of upland properties.

### ***Special Consideration for Juanita Business District***

The views of wooded hillsides surrounding the Juanita Business District are a local asset that can be used to upgrade the area's visual impact.

## **Height Measurement on Hillsides**

### **Issue**

Maintaining views and enhancing natural land forms is important to the design character of Kirkland. The scale relationships of built forms to their terrain should minimize visual barriers to views and lessen the impact on surrounding neighborhoods. In order to promote responsible design, building height restrictions should permit a development envelope that conforms to the terrain. Terracing, the stepping down of horizontal elements, is an effective way to develop hillsides and maintain views.

### **Discussion**

The visual character of a landscape should be reflected in the buildings. Buildings that do not conform to steep inclines detract from the natural features of the site and should be avoided. In contrast, buildings that use the terrain as an opportunity for variation in the built form easily fit into their setting without disruption. Terracing a building to roughly parallel the slope of a site will create a building envelope that follows the contour of its property. Terraced roof decks, modulated roofs, and sloped roofs can carry out this objective.



*Terraced buildings reflect the hillside topography ringing Kirkland's Downtown.*

## **Guideline**

***The top of the building should roughly follow the slope of the existing terrain.***

## **Views of Water**

### **Issue**

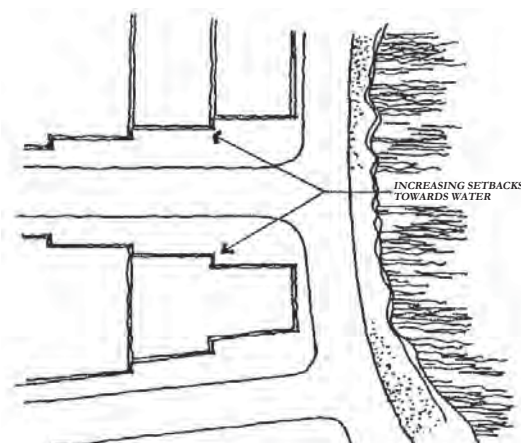
Views of Lake Washington give Kirkland its sense of place within the regional context. The waterfront remains an exceptional resource that should be better linked to nearby districts. A water view is a recurring reminder of the direction, function, and origin of Kirkland.

### **Discussion**

Views may be considered in three ways. The *distant panorama* may be seen from one-quarter to more than one mile away. Development has eliminated most of Kirkland's panoramic views; remaining views should be protected. *View corridors* are places where an avenue between buildings creates a slotted visual path allowing a glimpse of the water beyond. *Proximity views* are those adjacent to and within one block away from the waterfront; they extend the waterfront's character. Each type of view is critical to Kirkland's urban design character.

View corridors and panoramic views from higher ground can be protected by height restrictions and limitations on rooftop clutter. Existing structures in some areas block views of the Lake. With renovation of existing structures, opening up of views should be encouraged. New development should respect the existing view corridors.

Proximity views require much larger fields of vision, therefore, development should remain a comfortable distance from the shore and be set back along view corridors. This will allow views of the water to widen from increasingly closer distances and will eliminate an abrupt change between development and shoreline.





## Guideline

*Existing views should be maintained. This can be accomplished by widening setbacks as development approaches the water. Buildings should step down hillsides. Buildings and rooftop appurtenances should be placed perpendicular to the water in order to safeguard views.*

### *Special Consideration for Juanita Business District*

View corridors to the Lake should be explored through new development in the business district. Existing residential views and view opportunities through Juanita Beach Park and down public streets should be preserved.

## Culverted Creeks

### Issue

Often stream beds fall victim to progress and their stream banks are reduced to a drain pipe. One way to further the objective of clarifying the natural physical setting is to reopen stream beds wherever possible.

### Guideline

*Opportunities should be sought to restore portions of culverted creeks to their natural state.*

### *Special Consideration for Downtown Kirkland*

A former stream bed, now enclosed in culverts, flows through the center of downtown from 6th Street, through Peter Kirk Park, just south of Central Way and into Marina Park. A restored stream bed could be incorporated in the parks and other public sites, and possibly on private property.

### *Special Considerations for Totem Center*

One channel of the Totem Lake tributary extends along I-405, west of Totem Lake Boulevard in a culvert to Totem Lake. If it is feasible, restoration of this stream bed could be incorporated into the “greenway” design developed for this segment of Totem Lake Boulevard. Another tributary of Juanita Creek runs across the northwest section of Totem Center, with portions in a culvert and other portions remaining in an open stream bed. Redevelopment of these properties could include restoration of the culverted portions of the stream as an amenity provided on site.



PUBLICATION SUMMARY  
OF ORDINANCE O-4636

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN ORDINANCE 3481, AS AMENDED, TO INCLUDE CHAPTER X.V.P FINN HILL NEIGHBORHOOD PLAN, AMEND THE LAND USE MAP, AMENDING THE KIRKLAND ZONING CODE ORDINANCE 3719, AS AMENDED, INCLUDING CHAPTERS 5, 10, 35, 92, 95, 105, 110, 112, 142, 180, AMENDING THE ZONING MAP ORDINANCE 3710, AS AMENDED TO INCLUDE LEGISLATIVE REZONES, AND AMENDING THE KIRKLAND MUNICIPAL CODE 3.30.040 DESIGN GUIDELINES FOR PEDESTRIAN ORIENTED DESIGN DISTRICTS, FILE NO. CAM15-01754.

SECTION 1. Comprehensive Plan Text and Figures amended in Exhibit 1 and Exhibit 2 a.-h. attached to the Ordinance.

SECTION 2. Zoning Map Changes to include nine rezones in Exhibit 3. a.-i. attached to the Ordinance.

SECTION 3. Zoning Code Text and Plates amended in Exhibits 4.-12 attached to the Ordinance.

SECTION 4. Municipal Code 3.30.040 Text amended in Exhibit 13 to add FHNC guidelines attached to the Ordinance and incorporated by reference.

SECTION 5. Provides a severability clause for the ordinance.

SECTION 6. 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 five days from the adopted date.

SECTION 7. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the \_\_\_\_ day of \_\_\_\_\_, 2018.

I certify that the foregoing is a summary of Ordinance O-4636 approved by the Kirkland City Council for summary publication.

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Kathi Anderson, City Clerk



CITY OF KIRKLAND  
Planning and Building Department  
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## MEMORANDUM

To: Kurt Triplett, City Manager

From: Angela Ruggeri, Senior Planner  
Eric R. Shields, Planning & Building Director  
Adam Weinstein, Deputy Planning Director

Date: January 5, 2018

Subject: HOUGHTON/EVEREST NEIGHBORHOOD CENTER UPDATES TO ZONING MAP, ZONING CODE AND DESIGN GUIDELINES, FILE NO. CAM16-02742

### I. RECOMMENDATION

Adopt the ordinance amending the Zoning Map and Zoning Code and the resolution amending the Design Guidelines for Pedestrian-Oriented Business Districts to include updates for the Houghton/Everest Neighborhood Center (HENC).

### II. BACKGROUND

Ordinance O-4629 amending the Comprehensive Plan to include updates for the HENC was adopted by the City Council on December 12. The ordinance includes amendments to the Land Use Element, the Central Houghton Neighborhood Plan and the Everest Neighborhood Plan. These amendments to the Comprehensive Plan require subsequent amendments to the Zoning Map, Zoning Code, and Design Guidelines.

The changes made to the Comprehensive Plan on December 12 included requirements for a master plan that signal the **Council's** openness to consider additional height as an incentive for the southbound right turn lane in the Everest portion of the Houghton/Everest Neighborhood Center. The southbound right turn lane was the only project in the 6<sup>th</sup> Street Corridor Transportation Study that reduced congestion at the intersection. More information on the right turn lane may be found in the 6<sup>th</sup> Street Corridor Study itself, which will come before the Council for final adoption in the first quarter of 2018. The requirements and additional height will not be included in the Zoning Code until an actual proposal for the master plan is received and approved by the City Council.

In order to provide a legislative process for approval of the master plan, the following steps must be taken when a master plan is proposed.

- The property owner will request Zoning Code amendments to include the proposed master plan per **Chapter 135 of the Zoning Code: "Amendments to the Text of the Zoning Code"**.

- Chapter 135 allows for proposed changes to the Zoning Code to be considered through the legislative process outlined in Chapter 160 – Process IV of the Zoning Code.
- The process required through Chapter 160 is a public process including noticing and a public hearing before the Planning Commission. The Planning Commission then makes a recommendation to the City Council and the Council makes the final decision.
- The City Council will have the opportunity to either approve or disapprove the proposed master Plan at that time. If the Council approves the changes to the Zoning code, the criteria for the master plan will then be added to the Zoning Code and will be used by staff and the Design Review Board to complete a more detailed review of the project.

An ordinance amending the Zoning Map and Zoning Code and a resolution amending the Design Guidelines to include updates for the HENC will be before the City Council on January 16. The ordinance contains changes to the Zoning Map for the Houghton/Everest Neighborhood Center, which include three new HENC zones. The ordinance also includes changes to the following chapters of the Zoning Code.

- Chapters 5 and 10 – Definitions
- Chapter 25 – High Density Residential Zoning Chart
- Chapter 35 – Commercial Zoning Chart
- Chapter 92 – Design Regulations
- Section 95.42 – Land Use Buffer Requirements
- Chapter 105 – Pedestrian Access & Parking Requirements
- Chapter 110 – Required Public Improvements
- Chapter 112 – Affordable Housing
- Chapter 142 – Design Review
- Plate 34-O – Pedestrian Circulation in Houghton/Everest Neighborhood Center
- Plate 34-P – Vehicular Access Concept for Houghton/Everest Neighborhood Center

The recommendations from the Planning Commission (PC) and Houghton Community Council (HCC) on the Houghton/Everest Neighborhood Center Plan amendments were presented to the City Council at a study session on June 6, 2017. The information is available at the following link: <http://www.kirklandwa.gov/depart/council/Meetings/Agendas/agnd060617.htm>

Additional information was brought to the City Council at its regular meetings on July 5, July 18, September 19, October 3, November 8 and November 21 (links provided below).

<http://www.kirklandwa.gov/depart/council/Meetings/Agendas/agnd070517.htm>

<http://www.kirklandwa.gov/depart/council/Meetings/Agendas/agen071817.htm>

<http://www.kirklandwa.gov/depart/council/Meetings/Agendas/agnd091917.htm>

<http://www.kirklandwa.gov/depart/council/Meetings/Agendas/agnd100317.htm>

<http://www.kirklandwa.gov/depart/council/Meetings/Agendas/specmtgagnd110817.htm>

<http://www.kirklandwa.gov/depart/council/Meetings/Agendas/agnd112117.htm>

### III. ZONING MAP AND CODE CHANGES

Current zoning on the properties within the study area consists of Commercial (BC), Office/Residential at 3,600 square feet/unit (PR 3.6) and Medium Density Residential at 3,600 square feet/unit (RM 3.6). Three new zoning districts are proposed for the Neighborhood Center, which are shown in the Revised Zoning Map, below. They include Houghton/Everest Neighborhood Center Zones 1, 2, and 3 (HENC 1, 2 and 3). The Comprehensive Plan amendments that were made for the Everest Neighborhood Plan encompass HENC Zones 1 and 3. The changes to the Central Houghton Neighborhood Plan encompass all three zones.

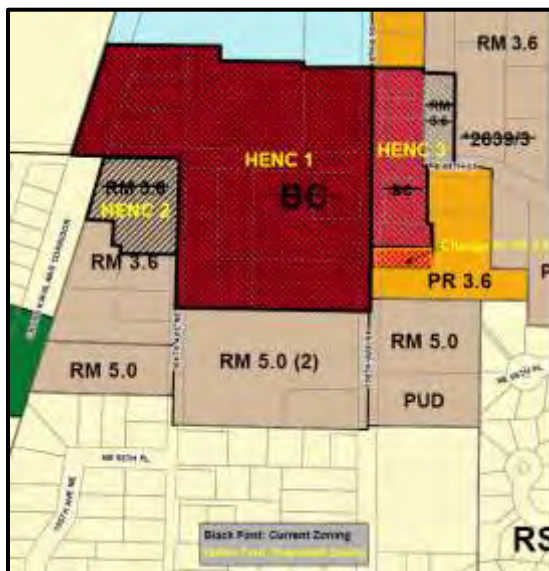
#### Revised Zones

The map below shows the three proposed zones for the Houghton/Everest Neighborhood Center.

The property currently zoned RM 3.6 to the east of the BC zone and north of NE 68<sup>th</sup> Street has been added to the HENC 3 zone in order to tie it more directly to the adjacent HENC 3 properties and to encourage combined access and development. Although this property is presently zoned RM 3.6, it can be developed as a commercial property due to an old lawsuit related to the site.

The southernmost property currently in the BC zone will be rezoned to PR 3.6 since the boundary of the zoning district currently cuts through the Northwest University building at this location. The zoning change will eliminate the split zoning for this property.

#### Revised Zoning Map





Key development regulations for each of the new HENC zones are summarized below:

#### HENC 1 Zone – Central Area

Uses:

- Mixed use with at least 75% of the ground floor space consisting of commercial uses.
- Office uses limited to 20% of building square footage.
- The 20% limit for office uses does not apply to the existing office complex in the Everest portion of the HENC 1 zone.

Design Review: Required

Height/Density:

- 30-foot base height
  - Average 15-foot step back required above the 2<sup>nd</sup> story.
  - Density determined by height and bulk of building.
- 35 feet allowed if following conditions are met:
  - The minimum amount of lot area per residential dwelling unit is 900 square feet or 48 units/acre.
  - A development of 4 acres or less must include at least one 20,000 square foot grocery store, hardware store or drug store.
  - A development of more than 4 acres must include at least one 20,000 square foot and one 10,000 square foot grocery store, hardware store or drug store.
  - The site plan must be approved by the Design Review Board and include public gathering places and community plazas with public art. At least one of these public areas must measure a minimum of 1,500 square feet with a minimum width of 30 feet.
  - The commercial floor must be a minimum of 13 feet in height.
  - The development must comply with City-approved green building standards.
  - At least 10% of residential units in the project must be affordable per Chapter 112 of the Kirkland Zoning Code.

Additional Requirements:

- Minimum 14-foot sidewalks must be provided along 106<sup>th</sup> Avenue NE, 108<sup>th</sup> Avenue NE and 6<sup>th</sup> Street South on the side of the right-of-way that abuts HENC 1; and on both sides of NE 68<sup>th</sup> Street.
- Access points must be consolidated.
- Safe pedestrian connections must be provided.
- Drive-in and drive-through facilities are allowed for gas stations and drug stores. All other drive-in and drive-through facilities are prohibited.
- 80% maximum lot coverage.
- There are no required building setbacks for retail uses.

## HENC 2 Zone – Western Residential Area

Uses/Density:

- Residential uses
- Density determined by height and bulk of building

Design Review: RequiredHeight: 30 feet maximumAdditional Requirements:

- 14-foot sidewalks must be provided along NE 68<sup>th</sup> Street
- A safe public connection to the Cross Kirkland Corridor must be provided.
- The development must comply with City-approved green building standards.
- At least 10% of residential units in the project must be affordable per Chapter 112 of the Kirkland Zoning Code.
- 80% maximum lot coverage
- Required yards for multifamily residential: front 10 feet, side and rear 0 feet

*The City property to the south of this area will retain its existing zoning of RM 3.6 (multifamily zoning with minimum 3,600 square feet per unit with a 30-foot height limit). In this way, the buildings will transition to the less dense zones to the south of HENC 2.*

HENC 3 Zone – Area East of 6<sup>th</sup> Street and 108<sup>th</sup> Avenue NEUses: Mixed use with at least 75% of the ground floor consisting of commercial usesDesign Review: RequiredHeight: 30 feet maximum

- Average 15-foot step back required above the 2<sup>nd</sup> story
- Density determined by height and bulk of building

Additional Requirements:

- 14 foot sidewalks are required along NE 68<sup>th</sup> Street
- Drive-in and drive-through facilities are allowed for gas stations and drug stores. All other drive-in and drive-through facilities are prohibited.
- 80% maximum lot coverage
- There are no required building setbacks for retail uses

## IV. DESIGN GUIDELINES AND RESOLUTION

The existing Design Guidelines for Pedestrian Oriented Business Districts will be used for design review of projects in the HENC zones. Additions to the Design Guidelines that specifically apply to the Neighborhood Center have been made to help identify conditions in the Center that

should be given special consideration. Some additions are also proposed for development locations near the Cross Kirkland Corridor in order to provide guidance to the Design Review Board in addition to requirements already provided in Zoning Code for development along the corridor.

These design guideline changes are approved through adoption of the companion resolution to the ordinance. Under Kirkland Municipal Code 3.30.040, design guidelines changes are approved through the signature of the Mayor and Director of the Department of Planning and Community Development. This resolution adopts the amended guidelines as an attachment and authorizes the Mayor to sign the amended guidelines.

cc: Planning Commission  
Houghton Community Council

ORDINANCE O-4637

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING, ZONING AND LAND USE AND AMENDING THE KIRKLAND ZONING MAP, ORDINANCE 3710, AS AMENDED, AND THE KIRKLAND ZONING CODE, ORDINANCE 3719 AS AMENDED, REGARDING STANDARDS THAT APPLY TO DEVELOPMENT IN THE HOUGHTON/EVEREST NEIGHBORHOOD CENTER, TO ENSURE THE ZONING MAP AND THE ZONING CODE CONFORM TO THE COMPREHENSIVE PLAN AND THE CITY COMPLIES WITH THE GROWTH MANAGEMENT ACT, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. CAM16-02742.

1 WHEREAS, the City Council has received a recommendation  
2 from the Kirkland Planning Commission and the Houghton Community  
3 Council to amend certain portions of the Zoning Map, Ordinance 3710,  
4 as amended, and certain portions of the Zoning Code, Ordinance 3719,  
5 as amended, to ensure the zoning map and Zoning Code conform to the  
6 Comprehensive Plan and the City complies with the Growth  
7 Management Act, as set forth in the report(s) and recommendation(s)  
8 of the Planning Commission dated May 25, 2017 and the Houghton  
9 Community Council dated May 22, 2017, and bearing Kirkland Planning  
10 and Building Department File No. CAM16-02742; and  
11

12 WHEREAS, prior to making the recommendation the Planning  
13 Commission and the Houghton Community Council, following notice as  
14 required by RCW 35A.63.070, held on March 23, 2017, a joint public  
15 hearing on the amendment proposals and considered the comments  
16 received at the hearing; and  
17

18 WHEREAS, pursuant to the State Environmental Policy Act  
19 (SEPA), there has accompanied the legislative proposal and  
20 recommendation, a SEPA addendum to Existing Environmental  
21 Documents, issued by the responsible official pursuant to WAC  
22 197-11-625; and  
23

24 WHEREAS, in regular public meeting on January 16, 2018, the  
25 City Council considered the environmental documents received from the  
26 responsible official, together with the report and recommendation of the  
27 Planning Commission and Houghton Community Council; and  
28

29 WHEREAS, the Growth Management Act (GMA), RCW  
30 36.70A.130, mandates that the City of Kirkland review, and if needed,  
31 revise its official Zoning Map; and  
32

33 WHEREAS, the Zoning Map and Zoning Code implement the  
34 Comprehensive Plan (Ordinance 3481 as amended); and  
35

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





90  
91

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_,  
2018.

\_\_\_\_\_  
Amy Walen, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kevin Raymond, City Attorney

8.5

LIT

PUD

7TH ST S

9TH AVE S

6TH ST S

RM 3.6

HENC 1

HENC 3

RM 3.6

\*2639/3

NE 68TH ST

RM 3.6

HENC 2

BC

BC

Change to PR 3.6

RM 3.6

PR 3.6

CROSS KIRKLAND CORRIDOR

RM 5.0

106TH AVE NE

RM 5.0 (2)

108TH AVE NE

RM 5.0

PUD

NE 66TH PL

NE 65TH PL

105TH AVE NE

Black Font: Current Zoning  
Yellow Font: Proposed Zoning

RS

- 2. Adult book store means an establishment which in whole or in portion thereof has a substantial or significant portion of its stock and trade books, magazines or other periodicals, which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined in KZC 5.10.885 and 5.10.884) and which excludes minors by virtue of age.
- 3. Adult cabaret means a cabaret, nightclub or other establishment which features go-go dancers, exotic dancers, strippers, male or female impersonators, similar entertainers or attendants, who are so clothed or dressed as to emphasize "specified anatomical areas" (defined in KZC 5.10.884) and/or whose performance or other activities include or mimic "specified sexual activities" (defined in KZC 5.10.885) and which establishment excludes minors by virtue of age.

.023 Affordable Housing Unit

- 1. An owner-occupied dwelling unit reserved for occupancy by eligible households and affordable to households whose household annual income does not exceed the following percent of the King County median household income, adjusted for household size, as determined by the United States Department of Housing and Urban Development (HUD), and no more than 30 percent of the monthly household income is paid for monthly housing expenses (mortgage and mortgage insurance, property taxes, property insurance and homeowners' dues):
  - a. Eighty percent in the CBD 5A, RH, TL and PLA 5C zoning districts; or
  - b. One hundred percent in density limited zoning districts.
- 2. A renter-occupied dwelling unit reserved for occupancy by eligible households and affordable to households whose household annual income does not exceed 50 percent of the King County median household income, adjusted for household size, as determined by HUD, and no more than 30 percent of the monthly household income is paid for monthly housing expenses (rent and an appropriate utility allowance).

HENC 2,

In the event that HUD no longer publishes median income figures for King County, the City may use any other method for determining the King County median income, adjusted for household size. (Ord. 4474 § 1, 2015; Ord. 4222 § 1, 2009; Ord. 3938 § 1, 2004)

.025 Air Rights

The right to in some manner control the use of the space above the surface of the ground.

.030 Alluvium

Soil deposits transported by surface waters.

.035 Alteration

A change or rearrangement of the structural members or exits in a building; an increase in the height or length or depth of the exterior walls of a building; the movement of a structure from one (1) location to another; or, for office or commercial buildings, the changing by the use of partitions of more than one-third of the gross floor area of a single floor.

.037 Amend

To change the Zoning Map, text of the Zoning Code, or Comprehensive Plan in accordance with this code.

.130 Clustered Development

The grouping or attaching of buildings in such a manner as to achieve larger aggregations of open space than would normally be possible from lot by lot development at a given density.

.135 Code (this)

The code of the City of Kirkland adopted as KMC Title 23.

.140 Commercial Recreation Area and Use

A commercial recreational facility, including swimming pools, tennis courts, play facilities and/or other similar uses.

.142 Commercial Use

A place of employment or a commercial enterprise that meets the definition of office use, retail establishment, restaurant or tavern, or entertainment, cultural and/or recreational facility.

.145 Commercial Zones

The following zones: BN; BNA; BC; BC 1; BC 2; BCX; CBD; JBD 1; JBD 2; JBD 4; JBD 5; JBD 6; MSC 2; MSC 3; NRH 1A; NRH 1B; NRH 4; RH 1A; RH 1B; RH 2A; RH 2B; RH 2C; RH 3; RH 5A; RH 5B; RH 5C; RH 7; TL 2; TL 4A; TL 4B; TL 4C; TL 5; TL 6A; TL 6B; TL 8; YBD 2; YBD 3.

HENC 143

.150 Common Recreational Open Space Usable for Many Activities

Any area available to all of the residents of the subject property that is appropriate for a variety of active and passive recreational activities, if that area:

1. Is not covered by residential buildings, parking or driving areas; and
2. Is not covered by any vegetation that impedes access; and
3. Is not on a slope that is too steep for the recreational activities.

.153 Community Facility

A use which serves the public and is generally of a public service, noncommercial nature, such as food banks, clothing banks, and other nonprofit social service organizations.

.155 Community Recreation Area or Clubhouse

An area devoted to facilities and equipment for recreational purposes, swimming pools, tennis courts, playgrounds, community club houses and other similar uses maintained and operated by a nonprofit club or organization whose membership is limited to the residents within a specified geographic area.

.160 Comprehensive Plan

The Comprehensive Plan of the City, listing the goals and policies regarding land use within the city.

2. Land uses that serve critical “lifeline” or emergency functions, such as fire and police facilities, utilities providing regional service, or water supplies if exposed to a significant risk that will curtail its lifeline function for a critical period of time. Utilities that provide system redundancies so that lifeline functions are not curtailed for a critical period of time are not considered high consequence land uses.
3. Uses with similar characteristics as determined by the Planning Official. (Ord. 4520 § 1, 2016; Ord. 4371 § 1, 2012)

.360 High Density Residential Zones HENC 2

The following zones: RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; PLA 5A, D, E; PLA 6A, D, I, J; PLA 7A, B; and TL 1B. (Ord. 4196 § 1, 2009; Ord. 3972 § 1, 2004; Ord. 3814 § 1, 2001)

.361 High Density Use

Detached, attached, or stacked dwelling units on a subject property that contains less than 3,600 square feet of land per dwelling unit. (Ord. 4193 § 1, 2009)

.362 High Technology Use

A place of employment engaging in research, development and testing, assembly, office and manufacturing, including industries in biotechnology, medical instrumentation or supplies, communications and information technology, electronics and instrumentation, and computer hardware and software.

.365 High Waterline

This term has the same meaning as “ordinary high waterline.” (Ord. 4252 § 1, 2010)

.370 Home Occupation

An occupation, enterprise, activity, or profession which is incidental to a residential use, which is carried on for profit or customarily carried on for profit, and which is not an otherwise permitted use in the zone in which it is pursued.

.375 Horizontal Dimension

The length of the facade of a structure, including covered decks, as measured along a plane, excluding eaves that extend out to a maximum of 18 inches from the exterior walls of a structure. (Ord. 3814 § 1, 2001)

.380 Hospital

An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, out-patient facilities, extended care facilities or training facilities.

.385 Hotel or Motel

A facility providing lodging and related services for a charge, typically for a period of one (1) month or less. “Hotel” or “motel” shall include inns, residence or extended stay hotels, other similar facilities, and all businesses subject to collection and payment of the tax levied by Chapter 67.28 RCW or City code. “Hotel” or “motel” does not include accessory dwelling unit, assisted living facility, bed and breakfast house, convalescent center, dwelling unit, nursing home, residential use, or special needs housing. (Ord. 3852 § 1, 2002)



idents share bathroom and/or kitchen facilities. "Residential suites" does not include dwelling units, assisted living facility, bed and breakfast house, convalescent center, nursing home, facility housing individuals who are incarcerated as the result of a conviction or other court order, or secure community transition facility. For purposes of zones where minimum density or affordable housing is required, each living unit shall equate to one (1) dwelling unit.

.780 Residential Use

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

.785 Residential Zone

The following zones: RS 35; RSX 35; RS 12.5; RSX 12.5; RS 8.5; RSX 8.5; RSA 8; RS 7.2; RSX 7.2; RS 6.3; RSA 6; RS 5.0; RSX 5.0; RSA 4; RSA 1; RM 5.0; RMA 5.0; RM 3.6; RMA 3.6; RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; WD I; WD II; WD III; TL 1B; TL 9B; TL 11; PLA 2; PLA 3B; PLA 3C; PLA 5A, D, E; PLA 6A, C, D, E, F, H, I, J, K; PLA 7A, B, C; PLA 9; PLA 15B; PLA 16; PLA 17.

HENC 2

.790 Restaurant or Tavern

Commercial use which sells prepared food or beverages and where the seating and associated circulation areas exceed 10 percent of the gross floor area of the use.

.795 Retail Establishment

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

.800 Retention of Storm Water

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

.805 Right-of-Way

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

.810 Right-of-Way Realignment

The changing of the horizontal position of the right-of-way.

.815 Roofline

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

885.1 Step Back  
An upper story building step back is the horizontal distance between a building facade and the building facade of the floor below.

- 3. Fondling or other erotic touching of human genitals, pubic region, buttock or breast.

.886 Storm Drainage

The movement of water, due to precipitation, either surficially or subsurficially.

.887 Storm Water Dispersion Device

Devices that disperse storm water, such as flow spreaders and rock pads. (Ord. 4551 § 4, 2017)

.888 Storm Water Dispersion Flow Path

The route that storm water runoff follows after release from a storm water dispersion device. The route is designed to disperse water over a vegetated substrate. (Ord. 4551 § 4, 2017)

.890 Story

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under floor space is more than six (6) feet above finished grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above finished grade as defined herein at any point, such usable or unused under floor space shall be considered a story. (Ord. 3814 § 1, 2001)

.895 Stream

For properties within the jurisdiction of the Shoreline Management Act, see Chapter 83 KZC. Otherwise, areas where surface waters produce a defined channel or bed that demonstrates clear evidence of the passage of water, including but not limited to bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed need not contain water year-round, provided there is evidence of at least intermittent flow during years of normal rainfall. Streams do not include irrigation ditches, canals, storm or surface water runoff devices, or other entirely artificial watercourses, unless they are used by salmonids or convey a naturally occurring stream that has been diverted into the artificial channel, or are created for the purposes of stream mitigation. (Ord. 4551 § 4, 2017; Ord. 4252 § 1, 2010)

.897 Stream Channel Stabilization

Actions to stabilize a stream bank to prevent or limit erosion or risk of slope failure. (Ord. 4551 § 4, 2017)

.898 Stream Types

1. Type F: means segments of natural waters, which are within the bankfull widths of defined channels and periodically inundated areas of their associated wetlands, or within lakes, ponds, or impoundments having a surface area of 0.5 acre or greater at seasonal low water and which contain fish habitat pursuant to WAC 222-16-030, as amended.
2. Type Np: means all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are flowing waters that do not go dry any time of a year of normal rainfall and include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow pursuant to WAC 222-16-030, as amended.



10.25 Zoning Categories Adopted

The City is divided into the following zoning categories:

9.5 Houghton Everest Neighborhood Center  
 HENC (followed by a designation indicating  
 which sub-zone within the HENC)

<u>Zoning Category</u>	<u>Symbol</u>
1. Single-Family Residential Zones	RS, RSA and RSX (followed by a designation indicating minimum lot size per dwelling unit or units per acre)
2. Multifamily Residential Zones	RM and RMA (followed by a designation indicating minimum lot size per dwelling unit)
3. Professional Office/Residential Zones	PR and PRA (followed by a designation indicating minimum lot size per dwelling unit)
4. Professional Office Zones	PO
5. Waterfront Districts	WD (followed by a designation indicating which Waterfront District)
6. Yarrow Bay Business District	YBD (followed by a designation indicating which sub-zone within the Yarrow Bay Business District)
7. Neighborhood Business	BN and BNA
8. Community Business	BC, BC 1, BC 2 and BCX
9. Central Business District	CBD (followed by a designation indicating which sub-zone within the Central Business District)
10. Juanita Business District	JBD (followed by a designation indicating which sub-zone within the Juanita Business District)
11. Market Street Corridor	MSC (followed by a designation indicating which sub-zone within the Market Street Corridor)
12. North Rose Hill Business District	NRH (followed by a designation indicating which sub-zone within the North Rose Hill Business District)
13. Rose Hill Business District	RH (followed by a designation indicating which sub-zone within the Rose Hill Business District)
14. Business District Core (BDC) and Totem Lake Business District (TLBD)	TL (followed by a designation indicating which sub-zone within Business District Core (BDC) or the Totem Lake Business District)
15. Light Industrial Zones	LIT, TL 7B
16. Planned Areas	PLA (followed by a designation indicating which Planned Area, and in some cases, which sub-zone within a Planned Area)
17. Park/Public Use Zones	P

(Ord. 4495 § 2, 2015; Ord. 4333 § 1, 2011; Ord. 4196 § 1, 2009; Ord. 4121 § 1, 2008; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3972 § 1, 2004; Ord. 3889 § 2, 2003)

10.30 Overlay Designations Adopted

The following overlay zones apply in various areas:

<u>Overlay Zoning Category</u>	<u>Symbol</u>
1. Holmes Point Overlay Zone	"HP"
2. Adult Activities Overlay Zone	"AE"
3. Historic Landmark Overlay Zone	"HL"
4. Equestrian Overlay Zone	"EQ"

## Kirkland Zoning Code

25.05

CHAPTER 25 – HIGH DENSITY RESIDENTIAL ZONES (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)

^  
HENC 2

## Sections:

25.05	User Guide
	25.05.010 Applicable Zones
	25.05.020 Common Code References
25.10	General Regulations
	25.10.010 All High Density Residential Zones
	25.10.020 RM, RMA Zones
	25.10.030 PLA 5A Zones
	25.10.040 PLA 5D Zones
	25.10.050 PLA 5E Zones
	25.10.060 PLA 6A Zones
	25.10.070 PLA 6I Zones
25.20	Permitted Uses
25.30	Density/Dimensions
25.40	Development Standards

25.10.080 HENC 2 Zone

25.05 User Guide

- Step 1. Check that the zone of interest is included in KZC 25.05.010, Applicable Zones. If not, select the chapter where it is located.
- Step 2. Refer to KZC 25.05.020, Common Code References, for relevant information found elsewhere in the code.
- Step 3. Refer to the General Regulations in KZC 25.10 that apply to the zones as noted.
- Step 4. Find the Use of interest in the Permitted Uses Table in KZC 25.20 and read across to the column pertaining to the zone of interest. If a Use is not listed in the table, it is not allowed. A listed use is permitted unless "NP" (Not Permitted) is noted for the table. Note the Required Review Process and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (PU-1, PU-2, PU-3, etc.).
- Step 5. Find the Use of interest in the Density/Dimensions Table in KZC 25.30 and read across the columns. Note the standards (Minimum Lot Size, Required Yards, Maximum Lot Coverage, and Maximum Height of Structure) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DD-1, DD-2, DD-3, etc.).



## 25.05

## Kirkland Zoning Code

Step 6. Find the Use of interest in the Development Standards Table in KZC 25.40 and read across the columns. Note the standards (Landscape Category, Sign Category, and Required Parking Spaces) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DS-1, DS-2, DS-3, etc.).

**Note: Not all uses listed in the Density/Dimensions and Development Standards Tables are permitted in each zone addressed in this chapter. Permitted uses are determined only by the Permitted Uses Table.**

25.05.010 Applicable Zones

This chapter contains the regulations for uses in the high density residential zones of the City:

RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; PLA 5A, D, E; PLA 6A, D, I, J; PLA 7A, B.

25.05.020 Common Code References

HENC 2

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Public park development standards will be determined on a case-by-case basis. See KZC 45.50.
3. Review processes, density/dimensions and development standards for shoreline uses can be found in Chapter 83 KZC, Shoreline Management.
4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with Assisted Living Facility; Detached, Attached or Stacked Dwelling Units; and Detached Dwelling Unit uses.
5. Chapter 115 KZC contains regulations regarding common recreational space requirements for Detached, Attached or Stacked Dwelling Units uses.
6. Development adjoining the Cross Kirkland Corridor or Eastside Rail Corridor shall comply with the standards of KZC 115.24.
7. Structures located within 30 feet of a parcel in a low density zone or a low density use in PLA 17 shall comply with additional limitations on structure size established by KZC 115.136.
8. A hazardous liquid pipeline extends through or near the RMA 2.4 and RMA 3.6 zones in the vicinity of 136th Avenue NE. Refer to Chapter 118 KZC for regulations pertaining to properties near hazardous liquid pipelines.

(Ord. 4476 § 2, 2015)



- c. Any required yard of the subject property abutting 5th Avenue will be regulated as a rear yard.
- d. Service and parking areas must, to the maximum extent possible, be located and oriented away from the 4th Avenue right-of-way unless primary vehicular access to the subject property is directly from that right-of-way.

(Does not apply to Public Park uses).

25.10.050 PLA 5E Zones

- 1. Primary vehicular access must be directly from 2nd Street unless this is not possible (does not apply to Detached Dwelling and Public Park uses).

25.10.060 PLA 6A Zones

- 1. The required yard of a structure abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation (does not apply to Public Park uses).

25.10.070 PLA 6I Zones

- 1. The required yard of a structure abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation (does not apply to Public Park uses).

(Ord. 4476 § 2, 2015)

25.10.080 HENC 2 Zone

(see next page)

### 25.10.080 HENC 2 Zone General Regulations

1. Development adjoining the Cross Kirkland Corridor shall comply with the standards of KZC 115.24. A safe public pedestrian connection thru the site to the Cross Kirkland Corridor is required (for approximate location see Plate 34-O).
2. Minimum 14' wide sidewalks are required along NE 68th Street.
3. Development shall be designed, built and certified to achieve or exceed one or more of the following green building certification standards: Built Green 5 star certified, LEED Gold certified, or Living Building Challenge certified.

25.20

Kirkland Zoning Code

25.20 Permitted Uses

HENC2

**Permitted Uses Table – High Density Residential Zones**  
 (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)  
 (See also KZC 25.30, Density/Dimensions Table, and KZC 25.40, Development Standards Table)

**Required Review Process:**

I = Process I, Chapter 145 KZC  
 IIA = Process IIA, Chapter 150 KZC  
 IIB = Process IIB, Chapter 152 KZC

DR = Design Review, Chapter 142 KZC  
 None = No Required Review Process

NP = Use Not Permitted

HENC2

# = Applicable Special Regulations (listed after the table)

Use	RM, RMA	PLA 5A	PLA 5D	PLA 5E	PLA 6A	PLA 6D	PLA 6I	PLA 6J	PLA 7A, B
25.20.010 Assisted Living Facility	None 1, 2, 3, 4	None 2, 3, 4	None 2, 3, 4	None 2, 3, 4	None 2, 3, 4	I or None 2, 3, 4, 5	IIA 2, 3, 4	None 2, 3, 4	None 2, 3, 4
25.20.020 Church	IIA 1, 6	IIA	IIA	IIA	IIA	IIA	IIA	IIA	IIA
25.20.030 Community Facility	IIA 1, 7, 8	IIA	IIA	IIA	IIA	IIA	IIA	IIA	IIA
25.20.040 Convalescent Center	IIA 1, 3	I 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3
25.20.050 Detached, Attached, or Stacked Dwelling Units	None 1, 9	None	None	None	None	I or None 5, 12	None	None	None
25.20.060 Detached Dwelling Unit	None 13	None 13	None 13	None 13	None 13	None 13	None 13	None 13	None 13
25.20.070 Government Facility	IIA 1, 8	IIA	IIA	IIA	IIA	IIA	IIA	IIA	IIA
25.20.080 Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, Beauty Shop or Shoe Repair Shop	IIA 14	NP	NP	NP	NP	NP	NP	NP	NP
25.20.090 Mini-School or Mini-Day-Care Center	None 1, 15, 16, 17, 18, 19	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21



**Kirkland Zoning Code**

25.20

HENC 2

**Permitted Uses Table – High Density Residential Zones (Continued)**  
 (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)  
 (See also KZC 25.30, Density/Dimensions Table, and KZC 25.40, Development Standards Table)

**Required Review Process:**

I = Process I, Chapter 145 KZC  
 IIA = Process IIA, Chapter 150 KZC  
 IIB = Process IIB, Chapter 152 KZC

DR = Design Review, Chapter 142 KZC  
 None = No Required Review Process

NP = Use Not Permitted

# = Applicable Special Regulations (listed after the table)

HENC 2

Use	RM, RMA	PLA 5A	PLA 5D	PLA 5E	PLA 6A	PLA 6D	PLA 6I	PLA 6J	PLA 7A, B
25.20.100 Nursing Home	IIA 1, 3	I 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3
25.20.110 Office Uses (Stand-Alone or Mixed with Detached, Attached, or Stacked Dwelling Units)	NP	NP	NP	NP	NP	NP	NP	NP	None 22, 23, 24
25.20.120 Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units	I 11	NP	NP	NP	NP	NP	NP	NP	NP
25.20.130 Public Park	See KZC 45.50 for required review process.								
25.20.140 Public Utility	IIA 1, 8	None	IIA	IIA	IIA	IIA	IIA	IIA	IIA
25.20.150 School or Day-Care Center	IIA 1, 10, 15, 16, 18, 19	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 20, 21

**Permitted Uses (PU) Special Regulations:**

and HENC 2

- PU-1. Within the NE 85th Street Subarea, D.R., Chapter 142 KZC.
- PU-2. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
- PU-3. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.

25.30

Kirkland Zoning Code

25.30 Density/Dimensions

**HENC 2**

Density/Dimensions Table – High Density Residential Zones

(RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)

(Refer to KZC 25.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 25.40, Development Standards Table)

USE	Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
25.30.010 Assisted Living Facility <sup>1</sup>	3,600 sq. ft.	20'	5' <sup>4</sup>	10'	60%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5</sup> RMA: 35' above ABE. PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: 30' above ABE. <sup>6</sup> PLA 7A, 7B: 30' above ABE. <sup>7</sup>
		RM, RMA: 20' <sup>2</sup>	RMA: 5'			
		PLA 5A: <sup>3</sup> <b>HENC 2</b>				
		<b>10'</b>	<b>0</b>	<b>0</b>	<b>80%</b>	
25.30.020 Church	7,200 sq. ft.	20'	20'	20'	70%	RM, PLA 6D: 30' above ABE. <sup>5</sup> RMA: 35' above ABE. PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: The lower of 4 stories or 40' above ABE. PLA 6A, PLA 6J: 30' above ABE. <sup>5, 12</sup> PLA 7A, 7B: 30' above ABE. <sup>7</sup>
		RM, RMA: 20' <sup>2</sup>				
		<b>HENC 2</b>				
		<b>10'</b>	<b>0</b>	<b>0</b>	<b>80%</b>	
25.30.030 Community Facility	None	20'	10'	10'	70%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5</sup> RMA: 35' above ABE. PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: The lower of 4 stories or 40' above ABE. PLA 7A, 7B: 30' above ABE. <sup>7</sup>
		RM, RMA: 20' <sup>2</sup>				
		<b>HENC 2</b>				
		<b>10'</b>	<b>0</b>	<b>0</b>	<b>80%</b>	



HENC 2

Density/Dimensions Table – High Density Residential Zones (Continued)

(RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)

(Refer to KZC 25.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 25.40, Development Standards Table)

USE	Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
25.30.040 Convalescent Center	7,200 sq. ft. PLA 6I: None	20'	10'	10'	70%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5</sup> RMA: 35' above ABE.
		RM, RMA: 20' <sup>2</sup>	HENC 2			PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: The lower of 4 stories or 40' above ABE. PLA 7A, 7B: 30' above ABE. <sup>7</sup>
25.30.050 Detached, Attached or Stacked Dwelling Units	3,600 sq. ft. with at least 1,800 sq. ft. per unit. RM, RMA: 3,600 sq. ft. <sup>8</sup> PLA 6I: 3,600 sq. ft. with at least 2,400 sq. ft. per unit. PLA 7A, 7B: 3,600 sq. ft. <sup>14</sup>	20'	Detached units, 5'; attached or stacked units, 5', 4', 10'	10' <sup>11</sup>	60%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5, 12</sup> RMA: 35' above ABE.
		RM, RMA: 20' <sup>2</sup>	RMA: 5'			PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: 30' above ABE. <sup>6</sup> PLA 7A, 7B: 30' above ABE. <sup>7, 12</sup>
		RM, RMA: <sup>13</sup> PLA 5A: <sup>3</sup>				
		10'	0	0	80%	
25.30.060 Detached Dwelling Unit	3,600 sq. ft.	20'	5'	10'	60%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5, 12</sup> RMA: 35' above ABE. <sup>12</sup> PLA 5A, PLA 5D, PLA 5E: 25' above ABE.
		RM, RMA: 20' <sup>2</sup> PLA 6I: 10'	RM, RMA: 5' <sup>4</sup>			PLA 6I: 30' above ABE. PLA 7A, 7B: 30' above ABE. <sup>7, 12</sup>

HENC 2:  
3600 sq. ft.  
No density limit

HENC 2

HENC 2

HENC 2

HENC 2

25.30

HENC 2

Kirkland Zoning Code

Density/Dimensions Table – High Density Residential Zones (Continued)

(RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)

(Refer to KZC 25.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 25.40, Development Standards Table)

USE	Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
25.30.070 Government Facility	None	20'	10'	10'	70%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5</sup> RMA: 35' above ABE. PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: The lower of 4 stories or 40' above ABE. PLA 7A, 7B: 30' above ABE. <sup>7</sup>
		RM, RMA: 20' <sup>2</sup>	HENC 2			
25.30.080 Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, Beauty Shop or Shoe Repair Shop	7,200 sq. ft. <sup>9</sup>	20' <sup>2</sup>	5' <sup>4</sup>	10'	60%	RM: 30' above ABE. <sup>5</sup> RMA: 35' above ABE.
		10'	HENC 2			
25.30.090 Mini-School or Mini-Day-Care Center	3,600 sq. ft.	20'	5' <sup>4</sup>	10'	60%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5</sup> RMA: 35' above ABE. PLA 5D: 30' above ABE. <sup>6</sup> PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 7A, 7B: 30' above ABE. <sup>7</sup>
		RM, RMA: 20' <sup>2</sup>	HENC 2			
25.30.100 Nursing Home	7,200 sq. ft. PLA 6I: None	20'	10'	10'	70%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5</sup> RMA: 35' above ABE. PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: The lower of 4 stories or 40' above ABE. PLA 7A, 7B: 30' above ABE. <sup>7</sup>
		RM, RMA: 20' <sup>2</sup>	HENC 2			



Kirkland Zoning Code

25.30

**HENC 2**

Density/Dimensions Table – High Density Residential Zones (Continued)

(RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)

(Refer to KZC 25.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 25.40, Development Standards Table)

USE	Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
25.30.110 Office Uses (Stand-Alone or Mixed with Detached, Attached, or Stacked Dwelling Units)	3,600 sq. ft. with at least 1,800 sq. ft. per unit	20'	5' <sup>4</sup>	10'	80%	30' above ABE.
25.30.120 Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units	None	See Chapter 83 KZC.			–	Landward of the ordinary high water mark: <b>RM:</b> 30' above ABE. <b>RMA:</b> 35' above ABE.
25.30.130 Public Park	Development standards will be determined on a case-by-case basis.					
25.30.140 Public Utility	None	20' <b>RM, RMA:</b> 20' <sup>2</sup>	20'	<b>RM, RMA,</b> <b>PLA 5D,</b> <b>PLA 6A,</b> <b>PLA 6D,</b> <b>PLA 6J:</b> 20' <b>PLA 5A,</b> <b>PLA 5E,</b> <b>PLA 6I, PLA</b> <b>7A, 7B:</b> 10' <b>HENC 2 = 0</b>	70%	<b>RM, PLA 6A, PLA 6D, PLA 6J:</b> 30' above ABE. <sup>5</sup> <b>RMA:</b> 35' above ABE. <b>PLA 5A, PLA 5E, PLA 6I:</b> 30' above ABE. <b>PLA 5D:</b> The lower of 4 stories or 40' above ABE. <b>PLA 7A, 7B:</b> 30' above ABE. <sup>7</sup>
25.30.150 School or Day-Care Center	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then:			70%	<b>RM:</b> 30' above ABE. <sup>5, 15</sup> <b>RMA:</b> 35' above ABE. <b>PLA 5A, PLA 5E, PLA 6I:</b> 30' above ABE. <sup>15</sup> <b>PLA 5D:</b> The lower of 4 stories or 40' above ABE. <b>PLA 6A, PLA 6D, PLA 6J:</b> 30' above ABE. <sup>5, 15</sup> <b>PLA 7A, 7B:</b> 30' above ABE. <sup>7, 15</sup>
		50'	50'	50'		
		If this use can accommodate 13 to 49 students or children, then:				
		20'	20'	20'		
		<b>RM, RMA:</b> <sup>2</sup>				

**HENC 2**  
**10'**  
**HENC 2**  
**0**

**HENC 2**  
**80%**

**HENC 2**

**HENC 2**  
**80%**

**HENC 2**

**Kirkland Zoning Code**

- DD-14. Minimum amount of lot area per dwelling unit is as follows:
  - a. In the PLA 7A zone, the minimum lot area per unit is 2,400 square feet.
  - b. In the PLA 7B zone, the minimum lot area per unit is 1,800 square feet.
  
- DD-15. For school use, structure height may be increased, up to 35 feet, if:
  - a. The school can accommodate 200 or more students; and
  - b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and
  - c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
  - d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.

*This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.*

(Ord. 4476 § 2, 2015)

25.40 Development Standards

**Development Standards Table – High Density Residential Zones**

(RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)

(Refer to KZC 25.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 25.30, Density/Dimensions Table)

Use		Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)
25.40.010	Assisted Living Facility	D RM, RMA: D <sup>1</sup>	A	1.7 per independent unit. 1 per assisted living unit.
25.40.020	Church	C RM, RMA: C <sup>1</sup>	B	1 for every 4 people based on maximum occupancy load of any area of worship. <sup>2</sup>
25.40.030	Community Facility	C <sup>3</sup> RM, RMA: C <sup>1, 3</sup>	B RM, RMA: B <sup>4</sup>	See KZC 105.25.
25.40.040	Convalescent Center	C RM, RMA: C <sup>1</sup>	B	1 for each bed.



25.40

Kirkland Zoning Code

HENC 2

**Development Standards Table – High Density Residential Zones (Continued)**  
 (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)  
 (Refer to KZC 25.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 25.30, Density/Dimensions Table)

Use		Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)
25.40.050	Detached, Attached, or Stacked Dwelling Units	D RM, RMA: D <sup>5, 6</sup> PLA 7A, 7B: D <sup>6</sup> HENC 2	A	1.2 per studio unit. 1.3 per 1 bedroom unit. 1.6 per 2 bedroom unit. 1.8 per 3 or more bedroom unit.  See KZC 105.20 for visitor parking requirements.
25.40.060	Detached Dwelling Unit	E	A	2.0 per unit.
25.40.070	Government Facility	C <sup>3</sup> RM, RMA: C <sup>1, 3</sup>	B RM, RMA: B <sup>4</sup>	See KZC 105.25.
25.40.080	Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, Beauty Shop or Shoe Repair Shop	B	E	1 per each 300 sq. ft. of gross floor area.
25.40.090	Mini-School or Mini-Day-Care Center	E RM, RMA: D	B	See KZC 105.25. <sup>7, 8</sup> RM, RMA: See KZC 105.25. <sup>7</sup>
25.40.100	Nursing Home	C RM, RMA: C <sup>1</sup>	B	1 for each bed.
25.40.110	Office Uses (Stand-Alone or Mixed with Detached, Attached, or Stacked Dwelling Units)	C	D	See KZC 105.25.
25.40.120	Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units	B	B	None
25.40.130	Public Park	Development standards will be determined on a case-by-case basis.		
25.40.140	Public Utility	A <sup>3</sup> RM, RMA: A <sup>1, 3</sup> PLA 7A, PLA 7B: A	B RM, RMA: B <sup>4</sup>	See KZC 105.25.
25.40.150	School or Day-Care Center	D	B	See KZC 105.25. <sup>8, 9</sup> RM, RMA: See KZC 105.25. <sup>9</sup>



## Kirkland Zoning Code

35.05

## CHAPTER 35 – COMMERCIAL ZONES (BN, BNA, BC, BC 1, BC 2, BCX)

## Sections:

- 35.05 User Guide
- 35.05.010 Applicable Zones
  - 35.05.020 Common Code References

- 35.10 General Regulations
- 35.10.010 All Commercial Zones
  - 35.10.020 BN, BNA Zones
  - 35.10.030 BC, BC 1, BC 2 Zones

35.10.040 BCX Zones

- 35.20 Permitted Uses
- 35.30 Density/Dimensions
- 35.40 Development Standards

35.05 User Guide

- Step 1. Check that the zone of interest is included in KZC 35.05.010, Applicable Zones. If not, select the chapter where it is located.
- Step 2. Refer to KZC 35.05.020, Common Code References, for relevant information found elsewhere in the code.
- Step 3. Refer to the General Regulations in KZC 35.10 that apply to the zones as noted.
- Step 4. Find the Use of interest in the Permitted Uses Table in KZC 35.20 and read across to the column pertaining to the zone of interest. If a Use is not listed in the table, it is not allowed. A listed use is permitted unless "NP" (Not Permitted) is noted for the table. Note the Required Review Process and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (PU-1, PU-2, PU-3, etc.).
- Step 5. Find the Use of interest in the Density/Dimensions Table in KZC 35.30 and read across the columns. Note the standards (Minimum Lot Size, Required Yards, Maximum Lot Coverage, and Maximum Height of Structure) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DD-1, DD-2, DD-3, etc.).
- Step 6. Find the Use of interest in the Development Standards Table in KZC 35.40 and read across the columns. Note the standards (Landscape Category, Sign Category, and Required Parking Spaces) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DS-1, DS-2, DS-3, etc.).

**Note: Not all uses listed in the Density/Dimensions and Development Standards Tables are permitted in each zone addressed in this chapter. Permitted uses are determined only by the Permitted Uses Table.**

35.10

Kirkland Zoning Code

35.05.010 Applicable Zones

This chapter contains the regulations for uses in the commercial zones (BN, BNA, BC, BC 1, BC 2, BCX) of the City.

HENC 1#3

35.05.020 Common Code References

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Public park development standards will be determined on a case-by-case basis. See KZC 45.50.
3. Review processes, density/dimensions and development standards for shoreline uses can be found in Chapter 83 KZC, Shoreline Management.
4. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with Assisted Living Facility, Attached or Stacked Dwelling Units, and Stacked Dwelling Unit uses.
6. Development adjoining the Cross Kirkland Corridor or Eastside Rail Corridor shall comply with the standards of KZC 115.24.
7. Structures located within 30 feet of a parcel in a low density zone or a low density use in PLA 17 shall comply with additional limitations on structure size established by KZC 115.136.

(Ord. 4476 § 2, 2015)

35.10 General Regulations

35.10.010 All Commercial Zones

The following regulations apply to all uses in these zones unless otherwise noted:

1. Surface parking areas shall not be located between the street and building unless no feasible alternative exists. Parking areas located to the side of the building are allowed; provided, that the parking area and vehicular access occupies less than 30 percent of the property frontage and design techniques adequately minimize the visibility of the parking.



35.10.040 BCX Zones

1. The required yard of any portion of the structure must be increased one foot for each foot that any portion of the structure exceeds 30 feet above average building elevation (does not apply to Public Park uses).
2. The following requirements shall apply to all development that includes residential or assisted living uses:
  - a. The development must include commercial use(s) with gross floor area on the ground floor equal to or greater than 25 percent of the parcel size for the subject property. Commercial floor area shall be one or more of the following uses: Retail; Restaurant or Tavern; Entertainment, Cultural and/or Recreational Facility; or Office.
  - b. The commercial floor shall be a minimum of 13 feet in height. The height of the structure may exceed the maximum height of structure by three feet.
  - c. Commercial uses shall be oriented to adjoining arterials.
  - d. Residential uses, assisted living uses, and parking for those uses shall not be located on the street level floor unless an intervening commercial frontage is provided between the street and those other uses or parking subject to the standards above. The intervening commercial frontage shall be a minimum of 20 feet in depth. The Planning Director may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the commercial frontage will maximize visual interest. Lobbies for residential or assisted living uses may be allowed within the commercial frontage provided they do not exceed 20 percent of the building's linear commercial frontage along the street.

(Ord. 4476 § 2, 2015)

35.10.050 HENC 1 & 3 Zones

(see next page)

## 35.10.050 HENC 1 and 3 Zones - General Regulations

## 1. In the HENC 1 and 3 zones:

- a. At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns or offices. These uses shall be oriented to a pedestrian oriented street, a major pedestrian sidewalk, a through-block pathway or the Cross Kirkland Corridor.
- b. Adjacent to NE 68<sup>th</sup> Street, 106<sup>th</sup> Avenue NE, 108<sup>th</sup> Avenue NE, 6<sup>th</sup> Street South and the Cross Kirkland Corridor (CKC), any portion of a structure greater than two stories in height must be stepped back from the façade below by an average of 15' with a minimum step back of 5'.

The Design Review Board is authorized to allow rooftop deck and/or garden structures within the step back area.

- c. Development adjoining the Cross Kirkland Corridor shall comply with the standards of KZC 115.24. Safe public pedestrian connections through sites to the Cross Kirkland Corridor are required (for approximate locations see Plate 34-O).
- d. Minimum 14' wide sidewalks are required along 106<sup>th</sup> Avenue NE, 108<sup>th</sup> Avenue NE and 6<sup>th</sup> Street South on the side of the right-of-way that abuts HENC 1; and on both sides of NE 68<sup>th</sup> Street.
- e. Drive-in and drive-through facilities are allowed for gas stations and drug stores. All other drive-in and drive-through facilities are prohibited.

## 2. In the HENC 1 zone:

- a. No more than 20% of the gross floor area for any building may include office uses. This requirement does not apply to the area in HENC 1 that is located north of NE 68<sup>th</sup> Street between the Cross Kirkland Corridor and what would be the northern extension of 106<sup>th</sup> Avenue NE.
- b. Structure height may be increased to 35' above ABE if;
  - (1). A development of 4 acres or less includes at least one grocery store, hardware store, or drug store containing a minimum of 20,000 square feet of gross floor area.
  - (2). A development of more than 4 acres includes at least one grocery store, hardware store, or drug store containing a minimum of 20,000 square feet

of gross floor area and one grocery store, hardware store, or drug store containing a minimum of 10,000 square feet of gross floor area.

- (3) The site plan is approved by the Design Review Board and includes public gathering places and community plazas with public art. At least one of these public areas must measure a minimum of 1500 square feet with a minimum width of 30'.
- (4) The commercial floor is a minimum of 13 feet in height.
- (5) Maximum allowed lot area per residential dwelling unit is 900 square feet or 48 units per acre.
- (6) Development shall be designed, built and certified to achieve or exceed one or more of the following green building certification standards: Built Green 5 star certified, LEED Gold certified, or Living Building Challenge certified.
- (7) At least 10% of the units provided in new residential developments of four units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.



35.20

Kirkland Zoning Code

Permitted Uses

Permitted Uses Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX)  
 (See also KZC 35.30, Density/Dimensions Table, and KZC 35.40, Development Standards Table)

HENC 1#3

Use		Required Review Process:		
		BN, BNA	BC, BC 1, BC 2	BCX
		I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC		DR = Design Review, Chapter 142 KZC None = No Required Review Process
		NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)		
35.20.010	Assisted Living Facility	DR 1, 2, 3	None 1, 2, 4	None 1, 2, 5
35.20.020	Attached or Stacked Dwelling Units*	DR 3	None 4	None 5
35.20.030*	Reserved			
35.20.040	Church	DR 10	None 10	None 10
35.20.050	Community Facility	DR	None	None
35.20.060	Convalescent Center	DR	None 2	None
35.20.070	Entertainment, Cultural and/or Recreational Facility	DR 11, 12, 13, 14	None	None
35.20.080	Government Facility	DR	None	None
35.20.090	Hotel or Motel	NP	None 15	None 15
35.20.100	Mini-School or Mini-Day-Care Center	DR 10, 16, 17	None 10, 16, 17	None 10, 16, 17
35.20.110	Nursing Home	DR	None 2	None

HENC 1#3!  
 DR required for all allowed uses except public parks

Kirkland Zoning Code

35.20

**Permitted Uses Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX) (Continued)**  
 (See also KZC 35.30, Density/Dimensions Table, and KZC 35.40, Development Standards Table)

Use		Required Review Process:		
		BN, BNA	BC, BC 1, BC 2	BCX
		I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC DR = Design Review, Chapter 142 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)		
		HENC 1#3		
35.20.120	Office Use	DR 18, 19, 20, 21	None 18, 19	None 18, 19
35.20.130	Private Lodge or Club	DR	None	None
35.20.140	Public Park	See KZC 45.50 for required review process.		
35.20.150	Public Utility	IIA	None	None
35.20.160	Restaurant or Tavern	DR 11, 12, 13	None 11, 13	None 11, 13
35.20.170*	Retail Establishment other than those specifically listed in this zone, selling goods, or providing services	NP	None 11, 12, 23, 30	None 11, 12, 23
35.20.180*	Retail Establishment providing banking and related financial services	DR 11	None 11	None 11
35.20.190*	Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services	DR 11, 12, 13	None 11, 12	None 11, 12
35.20.200	Retail Establishment providing storage services	NP	None 25, 26	None 25
35.20.210*	Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair	NP	None 27	None 6, 7, 8, 9
35.20.220*	Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art	DR 11, 23, 30	None 11, 12, 23, 30	None 11, 12, 23

HENC 1#3  
 DR required for all allowed uses except public parks

Not allowed in HENC 1#3



35.20

Kirkland Zoning Code

**Permitted Uses Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX) (Continued)**  
 (See also KZC 35.30, Density/Dimensions Table, and KZC 35.40, Development Standards Table)

Use	Required Review Process:		
	I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC		DR = Design Review, Chapter 142 KZC None = No Required Review Process
	NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)		
	BN, BNA	BC, BC 1, BC 2	BCX
35.20.230* Retail Establishment selling groceries and related items	DR 11, 23	None 11, 12, 23, 30	None 11, 12, 23
35.20.240* Retail Variety or Department Store	DR 11, 23	None 11, 12, 23, 30	None 11, 12, 23
35.20.250 School or Day-Care Center	DR 10, 16, 17	None 10, 16, 17	None 10, 16, 17
35.20.260* Reserved			
35.20.270 Vehicle Service Station	DR 17, 28, 29	I 28	I 28

*HENC 1#3*  
*DR required for all allowed uses except public parks*

**Permitted Uses (PU) Special Regulations:**

- PU-1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
- PU-2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
- PU-3. This use is only allowed on the street level floor subject to the provisions of KZC 35.10.020(1).
- PU-4\*. Attached Dwelling Units are not allowed in the BC, BC 1 and BC 2 zones. In the BC zone, this use, with the exception of a lobby, may not be located on the ground floor of a structure. In the BC 1 and BC 2 zones, this use is only allowed subject to the provisions of KZC 35.10.030(2). *and HENC 1#3*
- PU-5\*. Attached Dwelling Units are not allowed in the BCX zone. This use is only allowed subject to the provisions of KZC 35.10.040(2).
- PU-6\*. This use specifically excludes new or used vehicle or boat sales or rentals, except motorcycle sales, service, or rental is permitted if conducted indoors.



Kirkland Zoning Code

35.30 Density/Dimensions

Density/Dimensions Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX) ← HENC 1 ≠ 3  
 (Refer to KZC 35.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 35.40, Development Standards Table)

USE	Minimum Lot Size	* REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	** Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
35.30.010 Assisted Living Facility  HENC 1 ≠ 3 →	BN: None <sup>3</sup> BNA: None <sup>2,3</sup> BC, BC 1, BC 2: None <sup>1</sup> BCX: None	BN, BNA: <sup>4</sup> BC, BC 1, BC 2: <sup>4,5</sup> BCX: <sup>4,6</sup>				
35.30.020* Attached or Stacked Dwelling Units  HENC 1 ≠ 3 →	BN: None <sup>2,7</sup> BC, BCX: None BC, BC 1, BC 2: None <sup>16</sup>	<sup>4</sup>				
35.30.030* Reserved						
35.30.040 Church	None	BN, BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9,10</sup> BNA: 35' above ABE. <sup>9,10</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.050 Community Facility	None	BN, BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9,10</sup> BNA: 35' above ABE. <sup>9,10</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.060 Convalescent Center	None	BN, BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BNA: 35' above ABE. <sup>9,10</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.070 Entertainment, Cultural and/or Recreational Facility	None BNA: None <sup>13</sup>	BNA: 10' BC: 20' BC 1, BC 2: 10' BCX: 20'	BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9,10</sup> BNA: 35' above ABE. <sup>9,10</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.

\* See attached for required yards for HENC 1 ≠ 3.  
 \*\* Maximum height in HENC 1 ≠ 3 is 30' above ABE, except see 35.10.050.  
 (Revised 3/15)



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Kirkland Zoning Code

Density/Dimensions Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX) (Continued) - HENC 1#3  
 (Refer to KZC 35.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 35.40, Development Standards Table)

USE	Minimum Lot Size	* REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	** Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
35.30.080 Government Facility	None	BN, BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: 11 BCX: 30' above ABE.
35.30.090 Hotel or Motel	None	BC, BCX: 20' BC 1, BC 2: 10'	BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BC, BC 1, BC 2: 11 BCX: 30' above ABE.
35.30.100 Mini-School or Mini-Day-Care Center	None	BN: 0' BNA, BC 1, BC 2: 10' BC, BCX: 20'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: 11 BCX: 30' above ABE.
35.30.110 Nursing Home	None	BN, BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: 11 BCX: 30' above ABE.
35.30.120 Office Use	None	BN: 0' BNA, BC 1, BC 2: 10' BC, BCX: 20'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: 11 BCX: 30' above ABE.
35.30.130 Private Lodge or Club	None	BN, BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: 11 BCX: 30' above ABE.
35.30.140 Public Park	Development standards will be determined on a case-by-case basis.					
35.30.150 Public Utility	None	BN, BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 20' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 20' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: 11 BCX: 30' above ABE.

\* See attached for required yards for HENC 1#3. (Except public parks)  
 \*\* Maximum height in HENC 1#3 is 30' above ABE, except see 35.10.050.



Density/Dimensions Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX) (Continued) ← HENC 1#3  
 (Refer to KZC 35.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 35.40, Development Standards Table)

USE	Minimum Lot Size	* REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	** Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
35.30.160 Restaurant or Tavern	None <sup>12</sup>	BN: 0' BNA, BC 1, BC 2: 10' BC, BCX: 20'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.170* Retail Establishment other than those specifically listed in this zone, selling goods, or providing services	None	BC, BCX: 20' BC 1, BC 2: 10'	BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.180* Retail Establishment providing banking and related financial services	None <sup>12</sup>	BN: 0' BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.190* Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services	None <sup>12</sup>	BN: 0' BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.200 Retail Establishment providing storage services	None	BC, BCX: 20'	BC: 0' <sup>8</sup> BCX: 0'	BC: 0' <sup>8</sup> BCX: 0'	80%	BC: <sup>11</sup> BCX: 30' above ABE.
35.30.210* Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair	None	BC, BCX: 20' BC 1, BC 2: 10'	BC, BCX, BC 1, BC 2: 0' <sup>8</sup>	BC, BCX, BC 1, BC 2: 0' <sup>8</sup>	80%	BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.220* Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art	None <sup>14</sup> HENC 1#3 None	BN: 0' BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.230* Retail Establishment selling groceries and related items	None <sup>14</sup> HENC 1#3 None	BN: 0' BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.

\* See attached for required yards for HENC 1#3.  
 \*\* Maximum height in HENC 1#3 is 29 30' above ABE, except see 35.10.050.  
 (Revised 7/15)



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Density/Dimensions Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX) (Continued) ← HENC 1-3  
 (Refer to KZC 35.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 35.40, Development Standards Table)

USE	Minimum Lot Size	* REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	** Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
35.30.240* Retail Variety or Department Store	None <sup>14</sup> HENC 1-3 None	BN: 0' BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.250 School or Day-Care Center	None	BN: 0' BNA, BC 1, BC 2: 10' BC, BCX: 20'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10, 15</sup> BNA: 35' above ABE. <sup>9, 10, 15</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.260* Reserved						
35.30.270 Vehicle Service Station	22,500 sq. ft.	40'	15'	15'	80%	BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.

Density/Dimensions (DD) Special Regulations:

- DD-1. In BC 1 and BC 2, subject to density limits listed for attached and stacked dwelling units. For density purposes, two assisted living units constitute one dwelling unit.
- DD-2. In the BNA zone, the gross floor area of this use shall not exceed 50 percent of the total gross floor area on the subject property.
- DD-3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property.
- DD-4. Same as the regulations for the ground floor use.
- DD-5. See KZC 35.10.030(2).
- DD-6. See KZC 35.10.040(2).

\* See attached for required yards for HENC 1-3, except vehicle service station.  
 \*\* Maximum height in HENC 1-3 is 30' above ABE, except see 35.10.050.

### 35.30 Density/Dimensions Charts for HENC 1 and 3 Zones

#### Required Yards:

All retail uses (except storage services) and restaurants or taverns

Front 0, Side 0, Rear 0

#### Remaining ground floor uses:

Front 10', Side 0, Rear 0

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35.40 Development Standards

Development Standards Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX) ← HENC 1 + 3  
 (Refer to KZC 35.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 35.30, Density/Dimensions Table)

Use	Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)
35.40.010 Assisted Living Facility	1	A	1.7 per independent unit. 1 per assisted living unit.
35.40.020 Attached or Stacked Dwelling Units	1	A	1.2 per studio unit. 1.3 per 1 bedroom unit. 1.6 per 2 bedroom unit. 1.8 per 3 or more bedroom unit.  See KZC 105.20 for visitor parking requirements.
35.40.030* Reserved			
35.40.040 Church	C	B	1 for every four people based on maximum occupancy load of any area of worship. <sup>3</sup>
35.40.050 Community Facility	C <sup>4</sup>	B BN, BNA: B <sup>5</sup>	See KZC 105.25.
35.40.060 Convalescent Center	C BN, BNA: B <sup>6</sup>	B	1 for each bed.
35.40.070 Entertainment, Cultural and/or Recreational Facility	B BNA: B <sup>6</sup>	E BNA: D	See KZC 105.25.
35.40.080 Government Facility	C <sup>4</sup>	B BN, BNA: B <sup>5</sup>	See KZC 105.25.
35.40.090 Hotel or Motel	B	E	1 per each room. <sup>7</sup>
35.40.100 Mini-School or Mini-Day-Care Center	D BN, BNA: B <sup>6</sup>	B	See KZC 105.25. <sup>8, 9</sup>
35.40.110 Nursing Home	C BN, BNA: B <sup>6</sup>	B	1 for each bed.



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Development Standards Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX) (Continued) ← HENC 1#3  
 (Refer to KZC 35.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 35.30, Density/Dimensions Table)

Use	Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)
35.40.120 Office Use	BN, BNA: B <sup>6</sup> HENC 1#3 → BC, BC 1, BC 2: C BCX: B	D	1 per each 300 sq. ft. of gross floor area. <sup>13</sup>
35.40.130 Private Lodge or Club	C BN, BNA: B <sup>6</sup>	B	1 per each 300 sq. ft. of gross floor area.
35.40.140 Public Park	Development standards will be determined on a case-by-case basis.		
35.40.150 Public Utility	A <sup>4</sup>	B BN, BNA: B <sup>5</sup>	See KZC 105.25.
35.40.160 Restaurant or Tavern	BN, BNA: B <sup>6</sup> BC, BC 1, BC 2, BCX: B <sup>10</sup>	E BN, BNA: D	1 per each 100 sq. ft. of gross floor area.
35.40.170* Retail Establishment other than those specifically listed in this zone, selling goods, or providing services	B	E	1 per each 300 sq. ft. of gross floor area.
35.40.180* Retail Establishment providing banking and related financial services	B <sup>6</sup>	BN, BNA: D BC, BC 1, BC 2, BCX: E	1 per each 300 sq. ft. of gross floor area.
35.40.190* Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services	B <sup>6</sup>	BN, BNA: D BC, BC 1, BC 2, BCX: E	1 per each 300 sq. ft. of gross floor area.
35.40.200 Retail Establishment providing storage services	A	E	See KZC 105.25.
35.40.210* Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair	A	E	BC, BC 1, BC 2: See KZC 105.25. <sup>11</sup> BCX: 1 per each 250 sq. ft. of gross floor area. <sup>2</sup>
35.40.220* Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art	B <sup>6</sup>	BN, BNA: D BC, BC 1, BC 2, BCX: E	1 per each 300 sq. ft. of gross floor area.



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Development Standards Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX) (Continued) ← HENC 173  
 (Refer to KZC 35.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 35.30, Density/Dimensions Table)

Use	Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)
35.40.230* Retail Establishment selling groceries and related items	B <sup>6</sup>	BN, BNA: D BC, BC 1, BC 2, BCX: E	1 per each 300 sq. ft. of gross floor area.
35.40.240* Retail Variety or Department Store	B <sup>6</sup>	BN, BNA: D BC, BC 1, BC 2, BCX: E	1 per each 300 sq. ft. of gross floor area.
35.40.250 School or Day-Care Center	D BN, BNA: B <sup>6</sup>	B	See KZC 105.25. <sup>9, 12</sup>
35.40.260* Reserved			
35.40.270 Vehicle Service Station	A	E BNA: D	See KZC 105.25.

**Development Standards (DS) Special Regulations:**

- DS-1. Same as the regulations for the ground floor use.
- DS-2. Ten percent of the required parking spaces on site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/travel trailer use.
- DS-3. No parking is required for day-care or school ancillary to this use.
- DS-4. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
- DS-5. One pedestal sign with a readerboard having electronic programming is allowed at a fire station only if:
  - a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
  - b. The electronic readerboard is no more than 50 percent of the sign area;
  - c. Moving graphics and text or video are not part of the sign;
  - d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;
  - e. The electronic readerboard displays messages regarding public service announcements or City events only;
  - f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;



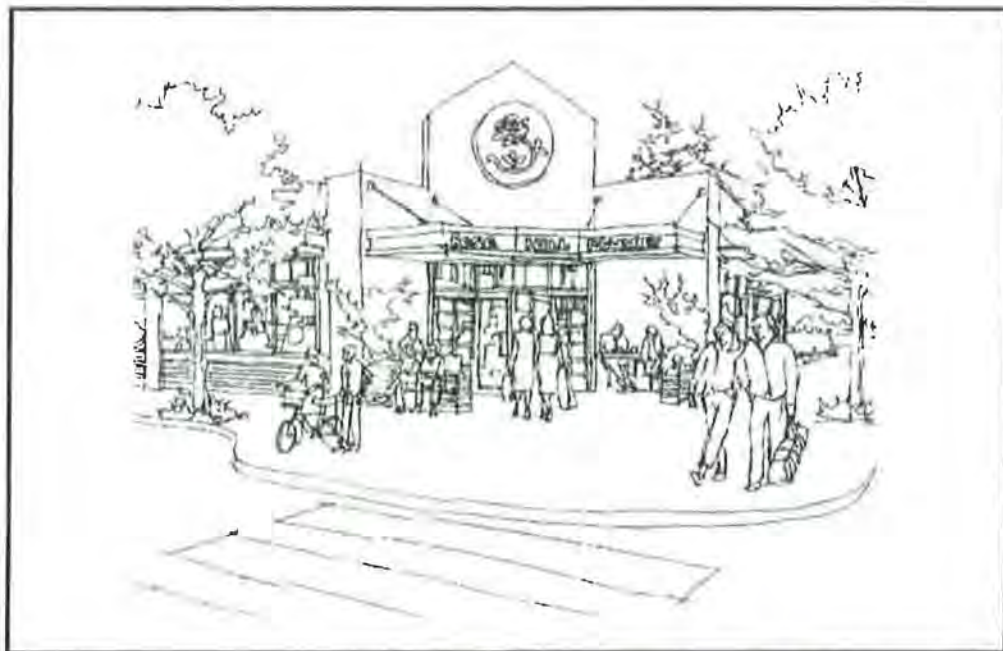
## 92.05 INTRODUCTION

1. General – This chapter establishes the design regulations that apply to development in Design Districts including the Central Business District (CBD), Market Street Corridor (MSC), Neighborhood Business Districts (BN, BNA), Juanita Business District (JBD), Rose Hill Business District (RHBD), Totem Lake Business District (TLBD), North Rose Hill Business District (NRHBD), Business District Core (BDC), Yarrow Bay Business District (YBD), and in PLA 5C. Houghton/Everest Neighborhood Center (HENC)  
Special provisions that apply to a particular Design District are noted in the section headings of the chapter.
2. Applicability – The provisions of this chapter apply to all new development, with the exception of development in the TL 7 zone. The provisions of Chapters 142 and 162 KZC regarding Design Review and nonconformance establish which of the regulations of this chapter apply to developed sites. Where provisions of this chapter conflict with provisions in any other section of the code, this chapter prevails. For more information on each Design District refer to the Design Guidelines applicable to that Design District adopted by reference in Chapter 3.30 KMC.
3. Design Review Procedures – The City will use Chapter 142 KZC to apply the regulations of this chapter to development activities that require Design Review approval.
4. Relationship to Other Regulations – Refer to the following chapters of the Zoning Code for additional requirements related to new development on or adjacent to the subject property.
  - a. Landscaping – Chapter 95 KZC describes the installation and maintenance of landscaping requirements on the subject property.
  - b. Installation of Sidewalks, Public Pedestrian Pathways and Public Improvements – Chapter 110 KZC describes the regulations for the installation of public sidewalks, major pedestrian sidewalks, pedestrian-oriented sidewalks, or other public improvements on or adjacent to the subject property in zones subject to Design Review. Plate 34 in Chapter 180 KZC provides the location and designation of the sidewalk, pedestrian walkways, pathways or other required public improvements within each Design District.
  - c. Pedestrian Access to Buildings, Installation of Pedestrian Pathways, Pedestrian Weather Protection – Chapter 105 KZC describes the requirements for pedestrian access to buildings and between properties, through parking areas and requirements for pedestrian weather protection. See also Plate 34 in Chapter 180 KZC.
  - d. Parking Area Location and Design, Pedestrian and Vehicular Access – Chapter 105 KZC describes the requirements for parking lot design, number of driveways, or pedestrian and vehicular access through parking areas.
  - e. Screening of Loading Areas, Outdoor Storage Areas and Garbage Receptacles – Chapter 95 KZC describes the location and screening requirements of outdoor storage. Chapter 115 KZC describes the screening of loading areas, waste storage and garbage disposal facilities.
5. Dedication – The City may require the applicant to dedicate development rights, air space, or an easement to the City to ensure compliance with any of the requirements of this chapter.
6. Design Districts in Rose Hill Business District – Various places in this chapter refer to the three (3) Design Districts in the Rose Hill Business District: Regional Center, Neighborhood Center and East End. Figure 92.05.A below describes where these are located. For a more detailed description of each area, see the Design Guidelines for the Rose Hill Business District adopted by reference in Chapter 3.30 KMC.



- 1) Locate and orient the building towards the street corner (within 10 feet of corner property line). To qualify for this option, the building must have direct pedestrian access from the street corner. Exception: Properties in the RHBD Regional Center must provide a 10-foot minimum setback between NE 85th Street and any building.
  - 2) Provide an architectural feature that adds identity or demarcation of the area. Such an architectural element may have a sign incorporated into it (as long as such sign does not identify an individual business or businesses) (see Figure 92.10.D).
  - 3) Provide a "pedestrian-oriented space" at the corner leading directly to a building entry or entries (see KZC 92.15 and Figure 92.10.D).
  - 4) Install substantial landscaping (at least 30-foot by 30-foot or 900 square feet of ground surface area with trees, shrubs, and/or ground cover).
- b. RHBD Properties Located at the 124th, 126th, and 128th Avenue NE Intersections – Buildings must be located at the street corner and provide pedestrian-oriented facades along both streets. Exceptions:
- 1) Setbacks will be allowed only where the space between the sidewalk and the building meets the definition of a pedestrian-oriented space. An example is shown in Figure 92.10.D.
  - 2) Vehicle sales and properties on the west side of the 124th Avenue NE are exempt from this standard because of transmission line easement limitations.

**Building located directly on a street corner with direct pedestrian access and pedestrian-oriented facades.**



**FIGURE 92.10.D**

7. Building Location at Street Corners in CBD and HENC 1#3  
and HENC 1#3
- a. Building Corners in the CBD – If the subject property is adjacent to the intersection of two (2) streets, at least one (1) of which is a pedestrian-oriented street, the applicant shall use

more of the following elements or treatments in the design and construction of the corner of the building facing the intersection of the streets which includes the pedestrian-oriented street. As an alternative, the applicant may propose other techniques, elements or treatments in the design of the corner which are consistent with the design guidelines and the provisions of the Comprehensive Plan.

- 1) Provide at least 100 square feet of sidewalk area or pedestrian-oriented open space in addition to the area required to produce a 10-foot-wide sidewalk as required under KZC 110.52, pedestrian-oriented street (see Figure 92.10.E).
- 2) Provide an entranceway to a store, building atrium or lobby, exterior courtyard or pedestrian-oriented open space (see Figure 92.10.F).
- 3) Provide a pedestrian pathway, at least eight feet in width, that connects to another street, public feature or building (see Figure 92.10.F).
- 4) Provide one or more of the elements listed below on both sides of an axis running diagonally through the corner of the building and bisecting the angle formed by the two building facades (see Figure 92.10.G):
  - a) A bay window or turret.
  - b) A roof deck.
  - c) Balconies above the ground floor.
  - d) A building corner setback notch or curved facade surface.
  - e) Sculpture or artwork, either bas-relief or figurative.
  - f) Distinctive use of facade materials.
- 5) Provide special or unique treatment, other than the use of fabric or vinyl awnings, for pedestrian weather protection at the corner of the building.



**92.15 PEDESTRIAN-ORIENTED IMPROVEMENTS ON OR ADJACENT TO THE SUBJECT PROPERTY**

1. All Zones – Pedestrian-Oriented Space and Plazas in Parking Areas – The applicant must provide at least 175 square feet of pedestrian-oriented space at the main building entrance in a central location, or adjacent to a parking area. This area must be raised at least six (6) inches above the parking lot surface and must be paved with concrete or unit pavers.
2. Pedestrian-Oriented Space and Plazas in BDC, CBD, BN, BNA, MSC 2, NRHBD, RHBD and TLBD Zones
  - a. In the CBD, BN, BNA, MSC 2 or in BDC – If the subject property abuts a pedestrian-oriented street (see Plate 34 in Chapter 180 KZC) or public park, the space, if any, between the sidewalk and the building must be developed consistent with the following criteria:
    - 1) Enhance visual and pedestrian access, including handicapped access, onto the subject property from the sidewalk.
    - 2) Contain paved walking surface of either concrete or approved unit pavers.
    - 3) Contain on-site or building-mounted lighting which provides adequate illumination.
    - 4) Contain two (2) linear feet of seating area or one (1) individual seat per 65 square feet of area between the sidewalk and the building.
    - 5) Contain landscaping such as trees, shrubs, trellises, or potted plants.
    - 6) It may not include asphalt or gravel pavement or be adjacent to an unscreened parking area, a chain link fence or a blank wall which does not comply with the requirements of subsection (3) of this section, Blank Wall Treatment.
    - 7) An alternative solution for the pedestrian-oriented space may be established through a Conceptual Master Plan in TL 2.
  - b. In the NRHBD Zones – If the subject property abuts a major pedestrian sidewalk on the southwest corner of NE 116th Street and 124th Avenue NE (see Plate 34 in Chapter 180 KZC), the space, if any, between the sidewalk and the building must be developed consistent with the following criteria:
    - 1) Enhance visual and pedestrian access, including handicapped access, onto the subject property from the sidewalk.
    - 2) Contain paved walking surface of either concrete or approved unit pavers.
    - 3) Contain on-site or building-mounted lighting which provides adequate illumination.
    - 4) Contain two (2) linear feet of seating area or one (1) individual seat per 65 square feet of area between the sidewalk and the building.
    - 5) Contain landscaping, such as trees, shrubs, trellises, or potted plants.
    - 6) In the alternative, the pedestrian-oriented space can be integrated with a pedestrian connection linking Slater Avenue NE and NE 116th Street, anywhere on the subject property, consistent with the criteria in subsections (2)(b)(1) through (5) of this section.
  - c. In the RHBD and TLBD Zones – All nonresidential uses must provide pedestrian-oriented space in conjunction with new development according to the formula below. For the pur-



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

(Ord. 4238 § 2, 2010)

95.42 Minimum Land Use Buffer Requirements

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

ADJOINING PROPERTY →  LANDSCAPING CATEGORY ↓	*Public park or low density residential use or if no permitted use exists on the adjoining property then a low density zone.	Medium or high density residential use or if no permitted use exists on the adjoining property then a medium density or high density zone.	Institutional or office use or if no permitted use exists on the adjoining property then an institutional or office zone.	A commercial use or an industrial use or if no permitted use exists on the adjoining property then a commercial or industrial zone.
A	Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (2) (Buffering Standard 2)	
B	Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (1) (Buffering Standard 1)		
C	Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (2) (Buffering Standard 2)		
D	Must comply with subsection (2) (Buffering Standard 2)			
E				
<b>Footnotes:</b>	*If the adjoining property is zoned Central Business District, Juanita Business District, North Rose Hill Business District, Rose Hill Business District, Business District Core or is located in TL 5, this section KZC 95.42 does not apply.			

↑ Houghton Everest Neighborhood Center

This chart establishes which buffering standard applies in a particular case. The following subsections establish the specific requirement for each standard:

1. For standard 1, the applicant shall provide a 15-foot-wide landscaped strip with a 6-foot-high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See KZC 115.40 for additional fence standards. The land use buffer must be planted as follows:
  - a. Trees planted at the rate of one (1) tree per 20 linear feet of land use buffer, with deciduous trees of two and one-half (2-1/2) inch caliper, minimum, and/or coniferous trees eight (8) feet in height, minimum. At least 70 percent of trees shall be evergreen. The trees shall be distributed evenly throughout the buffer, spaced no more than 20 feet apart on center.
  - b. Large shrubs or a mix of shrubs planted to attain coverage of at least 60 percent of the land use buffer area within two (2) years, planted at the following sizes and spacing, depending on type:
    - 1) Low shrub – (mature size under three (3) feet tall), 1- or 2-gallon pot or balled and burlapped equivalent;
    - 2) Medium shrub – (mature size from three (3) to six (6) feet tall), 2- or 3-gallon pot or balled and burlapped equivalent;
    - 3) Large shrub – (mature size over six (6) feet tall), 5-gallon pot or balled and burlapped equivalent.



- c. Living ground covers planted from either 4-inch pot with 12-inch spacing or 1-gallon pot with 18-inch spacing to cover within two (2) years 60 percent of the land use buffer not needed for viability of the shrubs or trees.
2. For standard 2, the applicant shall provide a 5-foot-wide landscaped strip with a 6-foot-high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See KZC 115.40 for additional fence standards. The landscaped strip must be planted as follows:
  - a. One (1) row of trees planted no more than 10 feet apart on center along the entire length of the buffer, with deciduous trees of 2-inch caliper, minimum, and/or coniferous trees at least six (6) feet in height, minimum. At least 50 percent of the required trees shall be ever-green.
  - b. Living ground covers planted from either 4-inch pot with 12-inch spacing or 1-gallon pot with 18-inch spacing to cover within two (2) years 60 percent of the land use buffer not needed for viability of the trees.
3. Plant Standards. All plant materials used shall meet the most recent American Association of Nurserymen Standards for nursery stock: ANSI Z60.1.
4. Location of the Land Use Buffer. The applicant shall provide the required buffer along the entire common border between the subject property and the adjoining property.
5. Multiple Buffering Requirement. If the subject property borders more than one (1) adjoining property along the same property line, the applicant shall provide a gradual transition between different land use buffers. This transition must occur totally within the area which has the less stringent buffering requirement. The specific design of the transition must be approved by the City.
6. Adjoining Property Containing Several Uses. If the adjoining property contains several permitted uses, the applicant may provide the least stringent land use buffer required for any of these uses.
7. Subject Property Containing Several Uses. If the subject property contains more than one (1) use, the applicant shall comply with the land use buffering requirement that pertains to the use within the most stringent landscaping category that abuts the property to be buffered.
8. Subject Property Containing School. If the subject property is occupied by a school, land use buffers are not required along property lines adjacent to a street.
9. Encroachment into Land Use Buffer. Typical incidental extensions of structures such as chimneys, bay windows, greenhouse windows, cornices, eaves, awnings, and canopies may be permitted in land use buffers as set forth in KZC 115.115(3)(d); provided, that:
  - a. Buffer planting standards are met; and
  - b. Required plantings will be able to attain full size and form typical to their species.

(Ord. 4495 § 2, 2015; Ord. 4238 § 2, 2010)

- 5) Must be accessible;
  - 6) Barriers which limit future pedestrian access between the subject property and adjacent properties are not permitted;
  - 7) Easements to provide rights of access between adjacent properties shall be recorded prior to project occupancy.
- b. Overhead Weather Protection – Location – The applicant shall provide pedestrian overhead weather protection in the following locations:

- 1) Along any portion of the building which is adjacent to a pedestrian walkway or sidewalk;
- 2) Over the primary exterior entrance to all buildings including residential units
- 3) Exceptions in Design Districts:

In CBD Zones: Along at least 80 percent of the frontage of the subject property on each pedestrian-oriented street

In RHBD, BN, BNA, MSC 2 and TLBD Zones: Along at least 75 percent of a pedestrian-oriented building facade.

In JBD Zones: Along 100 percent of a building facade abutting a street or through-block pathway.

For more information regarding designated pedestrian-oriented streets see Plate 34 in Chapter 180 KZC, and pedestrian-oriented facades in Chapter 92 KZC.

- c. Overhead Weather Protection – Configuration – The overhead weather protection may be composed of awnings, marquees, canopies, building overhangs, covered porches, recessed entries or other similar features. The overhead weather protection must cover at least five (5) feet of the width of the adjacent walkway and must be at least eight (8) feet above the ground immediately below it.

If development is subject to Design Review, the City will specifically review and approve the color, material and configuration of all overhead weather protection and the material and configuration of all pedestrian walkways as part of the Design Review decision.



105.50 Location of Parking Areas – Adjoining Low Density Zones

The applicant shall locate a parking area for a use other than a detached dwelling unit as far as possible from any adjoining low density zone, or existing low density permitted use.

105.55 Location of Parking Areas – Required Setback Yards

For regulations on parking areas in required setback yards, see Chapter 115 KZC.

105.58 Location of Parking Areas Specific to Design Districts

If the subject property is located in a Design District, the applicant shall locate parking areas on the subject property according to the following requirements:

1. Location of Parking Areas in the CBD, BDC (TL 1, TL 2, TL 3) Zones

- a. Parking areas shall not be located between a pedestrian-oriented street and a building unless specified in a Conceptual Master Plan in TL 2. (See Plate 34 in Chapter 180 KZC and Chapters 92 and 110 KZC for additional requirements regarding pedestrian-oriented streets).
- b. On all other streets, parking lots shall not be located between the street and the building on the subject property unless no other feasible alternative exists.

2. Location of Parking Areas in the JBD 2, NRHBD and YBD Zones – Parking areas shall not be located between the street and the building unless no other feasible alternative exists on the subject property.3. Location of Parking Areas in Certain TLBD and RHBD Zones – Parking areas and vehicular access may not occupy more than 50 percent of the street frontage in the following zones (see Figure 105.58.A):

- a. TL 4, only properties fronting on 120th Avenue NE;
- b. TL 5;
- c. TL 6A, only properties fronting on 124th Avenue NE. Auto dealers in this zone are exempt from this requirement;
- d. TL 6B, only properties fronting on NE 124th Street;
- e. TL 10E.

Alternative configurations may be considered through the Design Review process, if the project meets the objectives of the KMC Design Guidelines for the Totem Lake Business District.

- f. In the Regional Center (RH 1A, RH 2A, RH 3 and RH 5A zones west of 124th Avenue). For parcels over two (2) acres in size, parking lots and vehicular access areas may not occupy more than 50 percent of the NE 85th Street property frontage (see Figure 105.58.A). Alternative configurations will be considered through the Design Review process, if the project meets the intent of the KMC Design Guidelines for the Rose Hill Business District.

110.45 Minor Arterial Streets

The Public Works Director shall determine the extent and nature of other improvements required in minor arterial streets on a case-by-case basis. See also KZC 110.65 through 110.75 for other requirements that apply to improvements in the right-of-way.

(Ord. 4001 § 1, 2005; Ord. 3886 § 1, 2003)

110.50 Principal Arterial Streets

The Public Works Director shall determine the extent and nature of improvements required in principal arterial streets on a case-by-case basis. See also KZC 110.65 through 110.75 for other requirements that apply to improvements in the right-of-way.

(Ord. 4001 § 1, 2005; Ord. 3886 § 1, 2003)

110.52 Sidewalks and Other Public Improvements in Design Districts

1. This section contains regulations that require various sidewalks, pedestrian circulation and pedestrian-oriented improvements on or adjacent to properties located in Design Districts subject to Design Review pursuant to Chapter 142 KZC such as CBD, JBD, TLBD, BDC, RHBD, NRHBD and YBD zones.

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The applicant must comply with the following development standards in accordance with the location and designation of the abutting right-of-way as a pedestrian-oriented street or major pedestrian sidewalk shown in Plate 34 of Chapter 180 KZC. See also Public Works Pre-Approved Plans manual for public improvements for each Design District. If the required sidewalk improvements cannot be accommodated within the existing right-of-way, the difference may be made up with a public easement over private property; provided, that a minimum of five (5) feet from the curb shall be retained as public right-of-way and may not be in an easement. Buildings may cantilever over such easement areas, flush with the property line in accordance with the International Building Code as adopted in KMC Title 21. (See Figure 110.52.A and Plate 34.)

2. Pedestrian-Oriented Street Standards – Unless a different standard is specified in the applicable use zone chart, the applicant shall install a 10-foot-wide sidewalk along the entire frontage of the subject property abutting each pedestrian-oriented street. (See Figure 110.52.A.)



## Chapter 112 – AFFORDABLE HOUSING INCENTIVES – MULTIFAMILY

### Sections:

- 112.05 User Guide
- 112.10 Purpose
- 112.15 Affordable Housing Requirement
- 112.20 Basic Affordable Housing Incentives
- 112.25 Additional Affordable Housing Incentives
- 112.30 Alternative Compliance
- 112.35 Affordability Provisions
- 112.40 Regulatory Review and Evaluation

### 112.05 User Guide

This chapter offers dimensional standard flexibility and density and economic incentives to encourage construction of affordable housing units in commercial zones, high density residential zones, medium density zones and office zones.

If you are interested in proposing four (4) more residential units in commercial zones, high density residential zones, medium density zones or office zones, or you wish to participate in the City's decision on such a project, you should read this chapter.

(Ord. 4392 § 1, 2012; Ord. 4222 § 1, 2009; Ord. 3938 § 1, 2004)

### 112.10 Purpose

There is a limited stock of land within the City zoned and available for residential development and there is a demonstrated need in the City for housing which is affordable to persons of low and moderate income. Therefore, this chapter provides development incentives in exchange for the public benefit of providing affordable housing units in commercial zones, high density residential zones, medium density zones and office zones.

(Ord. 4392 § 1, 2012; Ord. 4222 § 1, 2009; Ord. 3938 § 1, 2004)

### 112.15 Affordable Housing Requirement

#### 1. Applicability –

- a. Minimum Requirement – All developments creating four (4) or more new dwelling units in commercial, high density residential, medium density and office zones shall provide at least 10 percent of the units as affordable housing units and comply with the provisions of this chapter as established in the General Regulations or the Special Regulations for the specific use in Chapters 15 through 56 KZC. This subsection is not effective within the disapproval jurisdiction of the Houghton Community Council, **except in the HENC 1 + 2 zones.**
  - b. Voluntary Use – All other provisions of this chapter are available for use within the disapproval jurisdiction of the Houghton Community Council and in developments where the minimum requirement does not apply; provided, however, the provisions of this chapter are not available for use in developments located within the BN zone.
2. Calculation in Density-Limited Zones – For developments in density-limited zones, the required amount of affordable housing shall be calculated based on the number of dwelling units proposed prior to the addition of any bonus units allowed pursuant to KZC 112.20.

## 112.20

## Kirkland Zoning Code

HENC 2  
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3. Calculation in CBD 5A, RH, TL and PLA 5C Zones – For developments in the CBD 5A, RH, TL and PLA 5C Zones, the required amount of affordable housing shall be calculated based on the total number of dwelling units proposed. HENC 2
4. Rounding and Alternative Compliance – In all zones, the number of affordable housing units required is determined by rounding up to the next whole number of units if the fraction of the whole number is at least 0.66. KZC 112.30 establishes methods for alternative compliance, including payment in lieu of construction for portions of required affordable housing units that are less than 0.66 units.

(Ord. 4476 § 3, 2015; Ord. 4474 § 1, 2015; Ord. 4392 § 1, 2012; Ord. 4390 § 1, 2012; Ord. 4337 § 1, 2011; Ord. 4286 § 1, 2011; Ord. 4222 § 1, 2009; Ord. 3938 § 1, 2004)

112.20 Basic Affordable Housing Incentives

1. Approval Process – The City will use the underlying permit process to review and decide upon an application utilizing the affordable housing incentives identified in this section.
2. Bonus
  - a. Height Bonus. In RH, PLA 5C, and TL use zones where there is no minimum lot size per dwelling unit, additional building height has been granted in exchange for affordable housing, as reflected in each Use Zone Chart for the RH and TL zones and table for the PLA 5C zone.
  - b. Development Capacity Bonus. On lots or portions of lots in the RH 8 use zone located more than 120 feet north of NE 85th Street, between 132nd Avenue NE and parcels abutting 131st Avenue NE, and in the CBD 5A use zone where there is no minimum lot size per dwelling unit, additional residential development capacity has been granted in exchange for affordable housing as reflected in the Use Zone Chart. in the HENC 2 use zone,
  - c. Bonus Units. In use zones where the number of dwelling units allowed on the subject property is determined by dividing the lot size by the required minimum lot area per unit, two (2) additional units ("bonus units") may be constructed for each affordable housing unit provided. (See Plate 32 for example of bonus unit calculations.)
  - d. Maximum Unit Bonuses. The maximum number of bonus units achieved through a basic affordable housing incentive shall be 25 percent of the number of units allowed based on the underlying zone of the subject property.
  - e. Density Bonus for Assisted Living Facilities. The affordable housing density bonus may be used for assisted living facilities to the extent that the bonus for affordable housing may not exceed 25 percent of the base density of the underlying zone of the subject property.
3. Alternative Affordability Levels – An applicant may propose affordability levels different from those defined in Chapter 5 KZC for the affordable housing units.



- a. In use zones where a density bonus is provided in exchange for affordable housing units, the ratio of bonus units per affordable housing unit for alternative affordability levels will be as follows:

Affordability Level	Bonus Unit to Affordable Unit Ratio
<b>Renter-Occupied Housing</b>	
60% of median income	1.9 to 1
70% of median income	1.8 to 1
<b>Owner-Occupied Housing</b>	
90% of median income	2.1 to 1
80% of median income	2.2 to 1

- b. In the CBD 5A RH, TL and PLA 5C use zones, the percent of affordable units required for alternative affordability levels will be as follows:

Affordability Level	% of Project Units Required to Be Affordable
<b>Renter-Occupied Housing</b>	
60% of median income	13%
70% of median income	17%
<b>Owner-Occupied Housing</b>	
70% of median income	8%
90% of median income	13%
100% of median income	21%

- c. To encourage "pioneer developments" in the Rose Hill and Totem Lake business districts, the definition of affordable housing for projects in the RH and TL zones shall be as provided in the following table. This subsection shall apply only to those projects which meet the affordability requirements on site or off site. This subsection shall not apply to those projects which elect to use a payment in lieu of constructing affordable units as authorized in KZC 112.30(4).

The affordable housing requirements for projects vested on or after the effective date of the ordinance codified in this section must be targeted for households whose incomes do not exceed the following:

Number of Total Units		Affordability Level	
RH Zones	TL Zones	Renter-Occupied	Owner-Occupied
First 50 units	First 150 units	70% of median income	100% of median income
Second 50 units	Second 150 units	60% of median income	90% of median income
All subsequent units	All subsequent units	50% of median income	80% of median income

"Number of Total Units" shall mean the total number of housing units (affordable and otherwise) permitted to be constructed within the RH and TL zones where affordable housing units are required and which have not received funding from public sources.

- 2) Any development in the following zones within the NE 85th Street Subarea: RH 8 except development that includes lots or portions of lots located more than 120 feet north of NE 85th Street, between 132nd Avenue NE and properties abutting 131st Avenue NE, PR 3.6, RM, PLA 17A.
  - 3) Any development in the MSC 1 and MSC 4 zones located within the Market Street Corridor.
2. Administrative Design Review (A.D.R.) – All other development activities not requiring D.B.R. review under subsection (1) of this section shall be reviewed through the A.D.R. process pursuant to KZC 142.25.
  3. Exemptions from Design Review – The following development activities shall be exempt from either A.D.R. or D.B.R. and compliance with the design regulations of Chapter 92 KZC:
    - a. Any activity which does not require a building permit; or
    - b. Interior work that does not alter the exterior of the structure; or
    - c. Normal building maintenance including the repair or maintenance of structural members; or
    - d. Any development listed as exempt in the applicable Use Zone Chart.

(Ord. 4498 § 3, 2015; Ord. 4392 § 1, 2012; Ord. 4390 § 1, 2012; Ord. 4177 § 2, 2009; Ord. 4107 § 1, 2007; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3833 § 1, 2002)

#### 142.25 Administrative Design Review (A.D.R.) Process

1. Authority – The Planning Official shall conduct A.D.R. in conjunction with a related development permit pursuant to this section.

The Planning Official shall review the A.D.R. application for compliance with the design regulations contained in Chapter 92 KZC, or in zones where so specified, with the applicable design guidelines adopted by KMC 3.30.040. In addition, the following guidelines and policies shall be used to interpret how the regulations apply to the subject property:

- a. Design guidelines for pedestrian-oriented business districts, as adopted in KMC 3.30.040.
  - b. Design guidelines for the Rose Hill Business District (RHBD), the Totem Lake Business District (TLBD) and Yarrow Bay Business District (YBD) as adopted in KMC 3.30.040.
  - c. For review of attached or stacked dwelling units within the NE 85th Street Subarea, the PLA 5C Zone and the Market Street Corridor, Design Guidelines for Residential Development as adopted in KMC 3.30.040.
2. Application – As part of any application for a development permit requiring A.D.R., the applicant shall show compliance with the design regulations in Chapter 92 KZC, or where applicable, the design guidelines adopted by KMC 3.30.040, by submitting an A.D.R. application on a form provided by the Planning and Building Department. The application shall include all documents and exhibits listed on the application form, as well as application materials required as a result of a pre-design conference.
  3. Pre-Design Conference – Before applying for A.D.R. approval, the applicant may schedule a pre-design meeting with the Planning Official. The meeting will be scheduled by the Planning Official upon written request by the applicant. The purpose of this meeting is to provide an opportunity for an applicant to discuss the project concept with the Planning Official and for the



- c. The Design Guidelines for Residential Development, as adopted in KMC 3.30.040, for review of attached and stacked dwelling units located within the NE 85th Street Subarea, the PLA 5C zone, and the Market Street Corridor.
  - d. The Parkplace Master Plan and Design Guidelines for CBD 5A as adopted in Chapter 3.30 KMC.
4. The Design Review Board is authorized to approve minor variations in development standards within certain Design Districts described in KZC 142.37, provided the variation complies with the criteria of KZC 142.37.
5. Pre-Design Conference – Before applying for D.B.R. approval, the applicant shall attend a pre-design conference with the Planning Official. The conference will be scheduled by the Planning Official upon written request by the applicant. The purpose of this conference is for the Planning Official to discuss how the design regulations, design guidelines, and other applicable provisions of this code and the Comprehensive Plan relate to the proposed development and to assist the applicant in preparing for the conceptual design conference. A pre-design conference may be combined with a pre-submittal meeting.
6. Conceptual Design Conference – Before applying for design review approval, the applicant shall attend a conceptual design conference (CDC) with the Design Review Board. The conference will be scheduled by the Planning Official to occur within 30 days of written request by the applicant. The applicant shall submit a complete application for Design Review within six (6) months following the CDC, or the results of the CDC will be null and void and a new CDC will be required prior to application for design review approval. The purpose of this conference is to provide an opportunity for the applicant to discuss the project concept with the Design Review Board and:
- a. To discuss how the design regulations, design guidelines and other applicable provisions of the Comprehensive Plan affect or pertain to the proposed development;
  - b. For the Design Review Board to designate which design regulations, design guidelines and other applicable provisions of the Comprehensive Plan apply to the proposed development based primarily on the location and nature of the proposed development; and
  - c. For the Design Review Board to determine what models, drawings, perspectives, 3-D CAD models, or other application materials the applicant will need to submit with the design review application.
7. Application – Following the conceptual design conference, the applicant shall submit the design review application on a form provided by the Planning and Building Department. The application shall include all documents and exhibits listed on the application, as well as all application materials required as a result of the conceptual design conference.
8. Public Notice
- a. Contents – On receipt of a complete design review application, the Planning Official shall schedule a design response conference with the Design Review Board to occur within 60 calendar days of receiving the complete application. The Planning Official shall provide public notice of the design response conference. Public notice shall contain the name of the applicant and project, the location of the subject property, a description of the proposed project, time and place of the first design response conference, and a statement of the availability of the application file.



Conceptual Master Plan Conference for TL 5 – The Design Review Board shall consider a Conceptual Master Plan (CMP) for properties over four (4) acres in size in TL 5. The CMP shall incorporate the design principles set forth in the special regulations for the use in the TL 5 zoning chart.

Conceptual Master Plan Conference for RHBD – The Design Review Board shall consider a Conceptual Master Plan (CMP) in the RH 3 zone within the NE 85th Street Subarea. The CMP shall incorporate the design considerations for the RH 3 zone set forth in the Design Guidelines for the Rose Hill Business District.

10. Approval – After reviewing the D.B.R. application and other application materials, the Design Review Board may grant, deny or conditionally approve subject to modifications the D.B.R. application for the proposed development. No development permit for the subject property requiring D.B.R. approval will be issued until the proposed development is granted D.B.R. approval or conditional approval. The terms of D.B.R. approval or conditional approval will become a condition of approval on each subsequent development permit and no subsequent development permit will be issued unless it is consistent with the D.B.R. approval or conditional approval. The Planning Official shall send written notice of the D.B.R. decision to the applicant and all other parties who participated in the conference(s) within 14 calendar days of the approval. If the D.B.R. is denied, the decision shall specify the reasons for denial. The final D.B.R. decision of the City on the D.B.R. application shall be the date of distribution of the written D.B.R. decision or, if the D.B.R. decision is appealed, the date of the City's final decision on the appeal. Notwithstanding any other provision of this code, if an applicant submits a complete application for a building permit for the approved D.B.R. development within 180 days of the final D.B.R. decision, the date of vesting for the building permit application shall be the date of the final D.B.R. decision.

Additional Approval Provision for TL 2 and TL 5 – The Notice of Approval for a Conceptual Master Plan (CMP) shall set thresholds for subsequent D.B.R. or A.D.R. review of projects following approval of a CMP in TL 2 or TL 5. The Notice of Approval shall also include a phasing plan for all improvements shown or described in the CMP.

Additional Approval Provision for RHBD – The Design Review Board shall determine the thresholds for subsequent D.B.R. or A.D.R. review of projects following approval of a Conceptual Master Plan (CMP) in the RHBD. The Notice of Approval for the CMP will state the thresholds for future review of projects and also include a phasing plan for all improvements shown or described in the CMP.

(Ord. 4496 § 3, 2015; Ord. 4495 § 2, 2015; Ord. 4491 § 3, 2015; Ord. 4392 § 1, 2012; Ord. 4193 § 1, 2009; Ord. 4177 § 2, 2009; Ord. 4171 § 1, 2009; Ord. 4121 § 1, 2008; Ord. 4107 § 1, 2007; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3956 § 1, 2004; Ord. 3954 § 1, 2004; Ord. 3889 § 2, 2003; Ord. 3833 § 1, 2002; Ord. 3814 § 1, 2001)

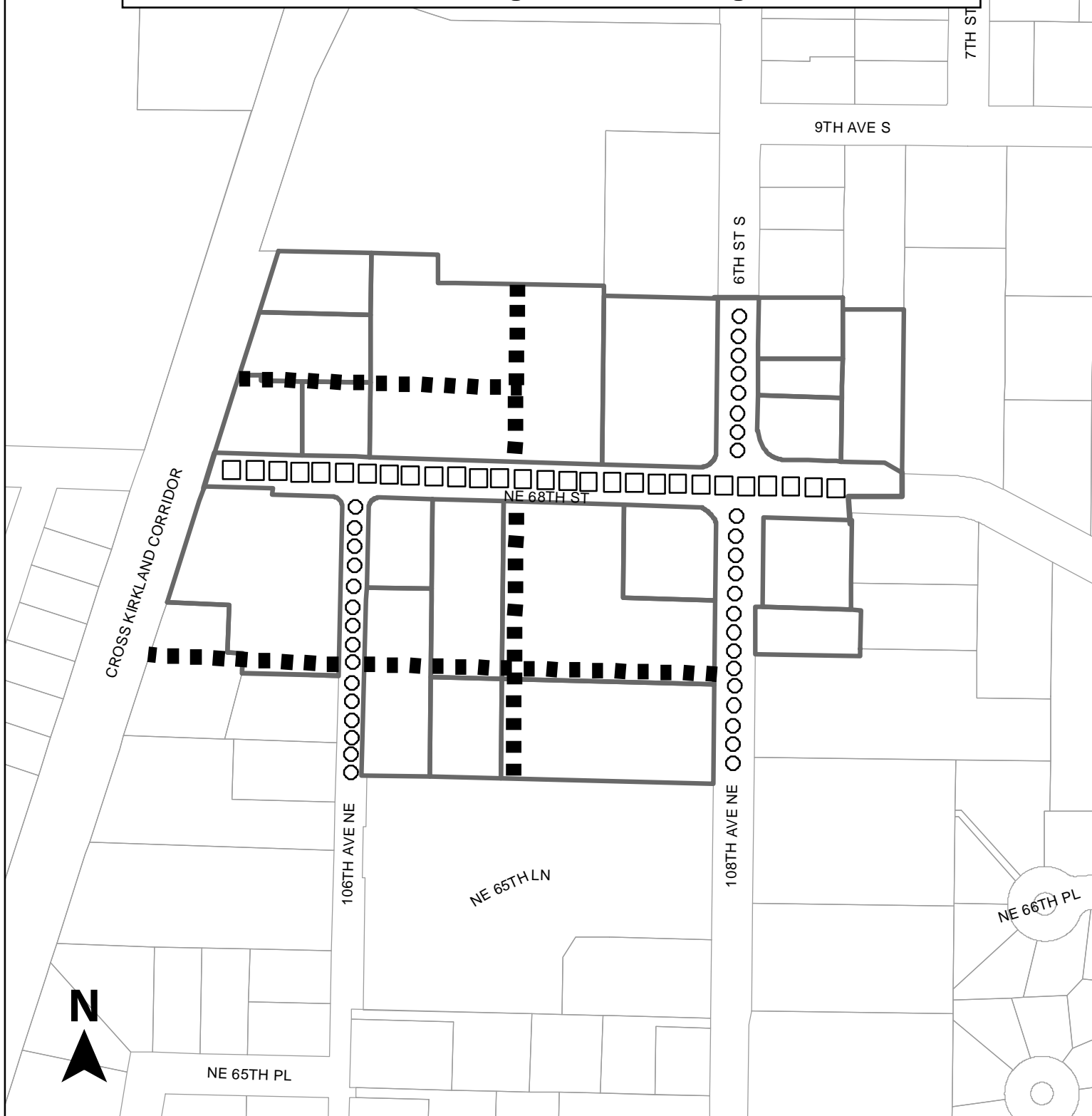
#### 142.37 Design Departure and Minor Variations

1. General – This section provides a mechanism for obtaining approval to depart from strict adherence to the design regulations or for requesting minor variations from requirements in the following zones:
  - a. In the CBD and YBD: minimum required yards; and
  - b. In the Business District Core: minimum required yards, floor plate maximums and building separation requirements; and
  - c. In the RHBD, the PLA 5C zone, and the TLBD: minimum required yards, and landscape buffer; and

the HENC,



# Plate 34-O Pedestrian Circulation in Houghton/Everest Neighborhood Center



### 14' SIDEWALK REQUIRED

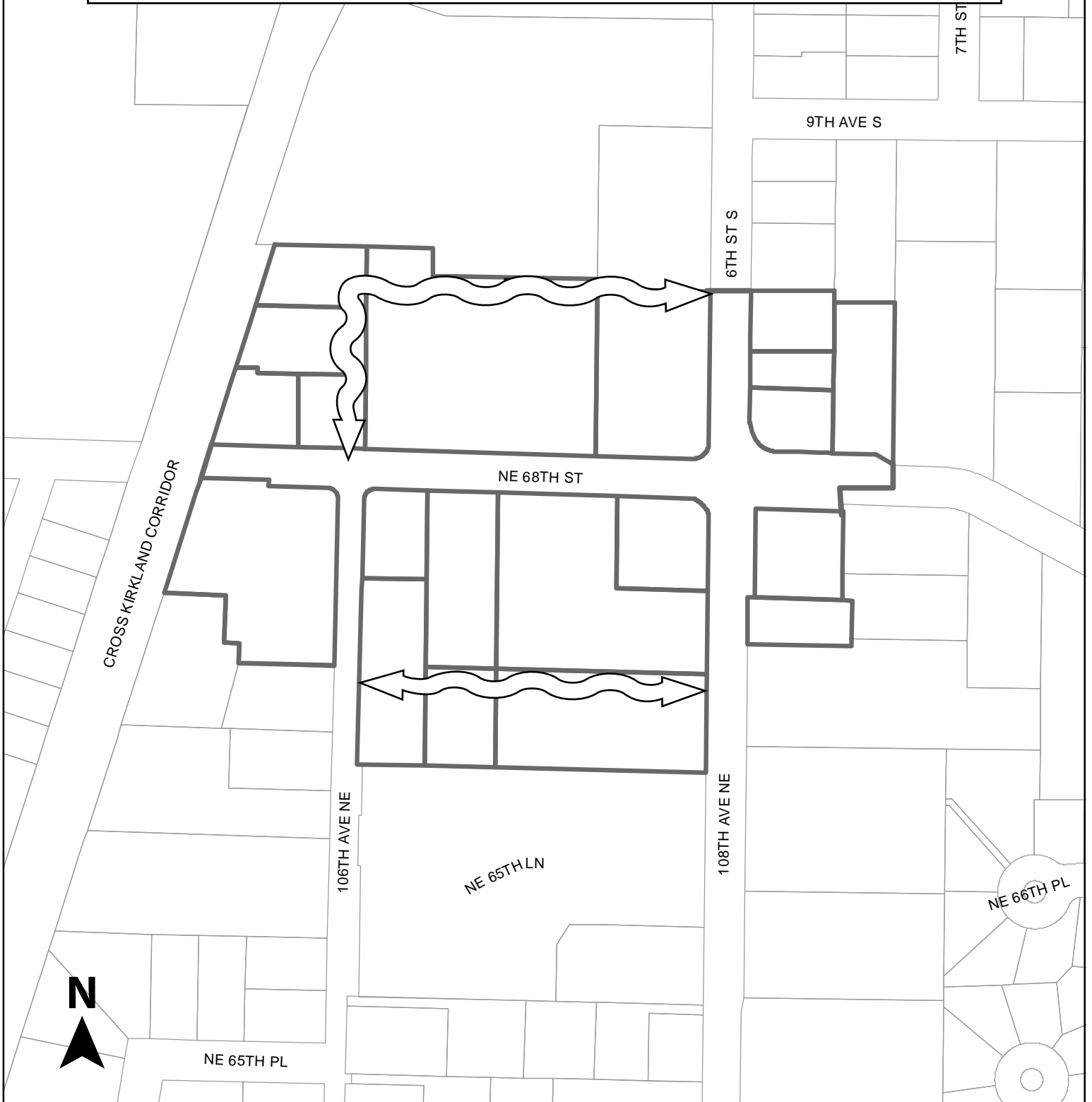
- Both sides of NE 68th Street
- East side of 106th Ave. NE
- West Side of 108th Ave NE
- West Side of 6th Street South

○ ○ ○ ○ Major Ped Sidewalks

□ □ □ □ Pedestrian-Oriented Street

■ ■ ■ ■ Through-Block Pathway  
(Location Estimated)

# Plate 34-P Vehicular Access Concept for Houghton/Everest Neighborhood Center



**Consolidate driveways per ZC section 105.35**



**Vehicular Access**  
(Location Estimated)

PUBLICATION SUMMARY  
OF ORDINANCE O-4637

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING, ZONING AND LAND USE AND AMENDING THE KIRKLAND ZONING MAP, ORDINANCE 3710, AS AMENDED, AND THE KIRKLAND ZONING CODE, ORDINANCE 3719 AS AMENDED, REGARDING STANDARDS THAT APPLY TO DEVELOPMENT IN THE HOUGHTON/EVEREST NEIGHBORHOOD CENTER, TO ENSURE THE ZONING MAP AND THE ZONING CODE CONFORM TO THE COMPREHENSIVE PLAN AND THE CITY COMPLIES WITH THE GROWTH MANAGEMENT ACT, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. CAM16-02742.

SECTION 1. Provides amendments to the Zoning Map.

SECTION 2. Provides that the Director of Planning and Building Department is directed to amend the Zoning Map.

SECTION 3. Provides amendments to the Kirkland Zoning Code.

SECTION 4. Provides a severability clause for the ordinance.

SECTION 5. Establishes that this ordinance, to the extent it is subject to disapproval jurisdiction, will be effective within the disapproval jurisdiction of the Houghton Community Council Municipal Corporation upon approval by the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

SECTION 6. Except as provided in Section 5, establishes the effective date of the Ordinance and 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.

SECTION 7. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the \_\_\_\_ day of \_\_\_\_\_, 2018.

I certify that the foregoing is a summary of Ordinance O-4637 approved by the Kirkland City Council for summary publication.

---

Kathi Anderson, City Clerk



RESOLUTION R-5292

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AMENDED DESIGN GUIDELINES FOR PEDESTRIAN ORIENTED BUSINESS DISTRICTS AND AUTHORIZING THE MAYOR TO SIGN.

1           WHEREAS, the Planning Commission and the Houghton  
2 Community Council considered the proposed amendments to the Design  
3 Guidelines for Pedestrian Oriented Business Districts at their joint public  
4 hearing on March 23, 2017, in association with related amendments to  
5 the Kirkland Comprehensive Plan, Zoning Map and Zoning Code; and  
6

7           WHEREAS, the City Council has determined that it is appropriate  
8 to amend the Design Guidelines for Pedestrian Oriented Business  
9 Districts as they support the Comprehensive Plan, Zoning Map and  
10 Zoning Code amendments for the Houghton/Everest Neighborhood  
11 Center and under Kirkland Municipal Code 3.30.040 design guidelines  
12 bearing the signature of the Mayor and Director of the Department of  
13 Planning and Community Development are adopted by reference;  
14

15           NOW, THEREFORE, be it resolved by the City Council of the City  
16 of Kirkland as follows:  
17

18           Section 1. The amendments to the Design Guidelines for  
19 Pedestrian Oriented Business Districts, attached as Exhibit A, are  
20 approved.  
21

22           Section 2. The Mayor is authorized to sign the amended Design  
23 Guidelines for Pedestrian Oriented Business Districts.  
24

25           Passed by majority vote of the Kirkland City Council in open  
26 meeting this \_\_\_\_ day of \_\_\_\_\_, 2018.  
27

28           Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_,  
29 2018.

\_\_\_\_\_  
Amy Walen, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk

The City of Kirkland

# Design Guidelines

## For Pedestrian-Oriented Business Districts



Adopted by the City Council pursuant to  
Kirkland Municipal Code Section 3.30.040.

Dated August 3, 2004.

Updated December 11, 2012, R-4945 & R-4946.

Attest:



Handwritten signature of Joan McBride in blue ink.

Joan McBride,  
Mayor

Handwritten signature of Eric Shields in blue ink.

Eric Shields  
Director,  
Planning & Community  
Development

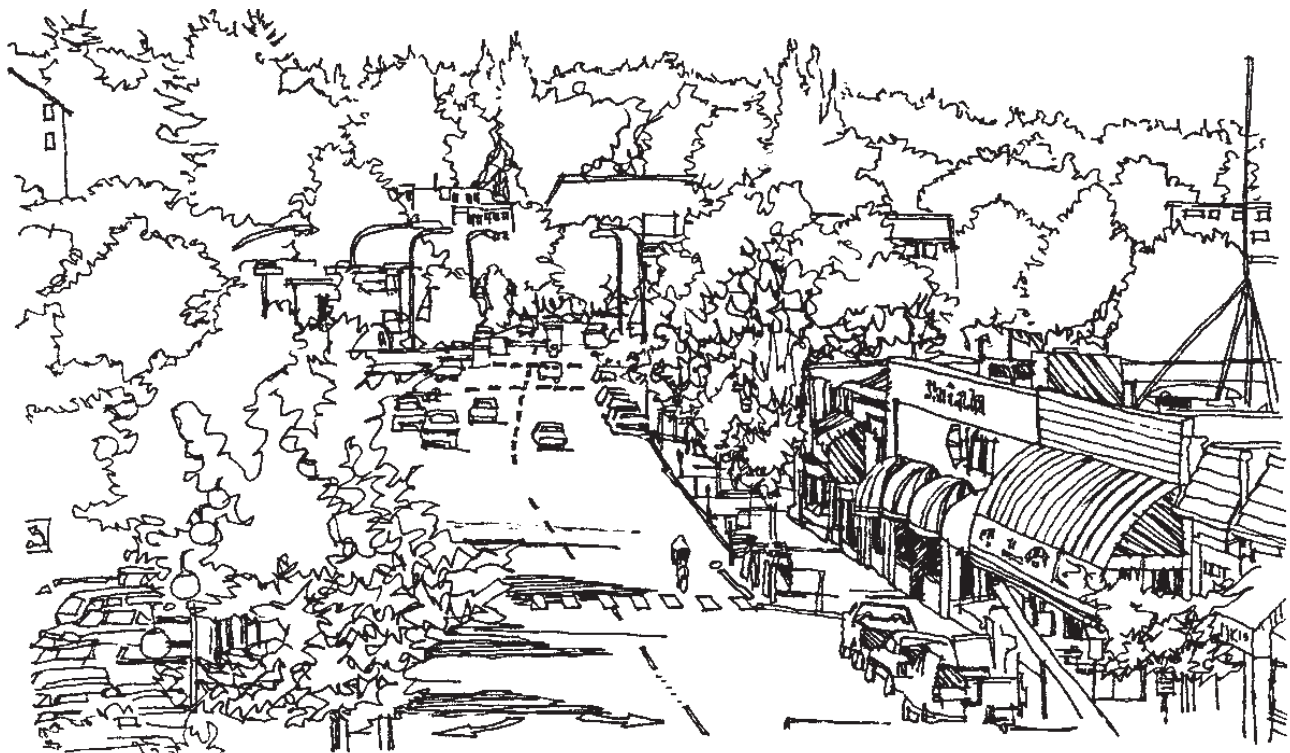
# Introduction

This document sets forth a series of Design Guidelines, adopted by Section 3.30 of the Kirkland Municipal Code, that will be used by the City in the design review process. For Board Design Review (BDR), the Design Review Board will use these guidelines in association with the Design Regulations of the Kirkland Zoning Code. To the extent that the standards of the Design Guidelines or Design Regulations address the same issue but are not entirely consistent or contain different levels of specificity, the Design Review Board will determine which standard results in superior design. For Administrative Design Review (ADR), the Planning Official will use these guidelines when necessary to interpret the Design Regulations. They are also intended to assist project developers and their architects by providing graphic examples of the intent of the City's guidelines and regulations.

Most of the concepts presented in the Design Guidelines are applicable to any pedestrian-oriented business district.\* "Special Considerations" have been added, such as for Downtown Kirkland, to illustrate how unique characteristics of that pedestrian-oriented business district relate to the Guideline.

The Design Guidelines do not set a particular style of architecture or design theme. Rather, they will establish a greater sense of quality, unity, and conformance with Kirkland's physical assets and civic role.

The Design Guidelines will work with improvements to streets and parks and the development of new public facilities to create a dynamic setting for civic activities and private development. It is important to note that these Guidelines are not intended to slow or restrict development, but rather to add consistency and predictability to the permit review process.



\* The guidelines also apply to residential development in the Central Business District (CBD), the Juanita Business District (JBD), the North Rose Hill Business District, the Market Street Corridor (MSC), Totem Center, and Planned Area 5C (PLA5C); and to mixed use development throughout the City.

the Houghton/Everest  
Neighborhood Center  
(HENC),





# Kirkland Design Guidelines

The drawing below illustrates many of the design Guidelines described in this appendix

- 1 Pedestrian plazas and places for vendors encouraged through several regulations.
- 2 Buildings on corner lots may be required to incorporate an architectural or pedestrian-oriented feature at the corner. Many options are possible including plazas, artwork, turrets, curved corners, ← stepbacks, setbacks,

**Special architectural requirements placed on use of concrete block and metal siding.**

- 3 “Architectural scale” requirements direct large buildings to fit more comfortably with neighboring development. This example employs building setbacks, decks, curved surfaces, and recessed entries to reduce appearance of building mass.
- 4 Parking garages on pedestrian-oriented streets or through-block sidewalks may incorporate pedestrian-oriented uses or pedestrian-oriented space into front facades.

**Street trees required along certain streets.**

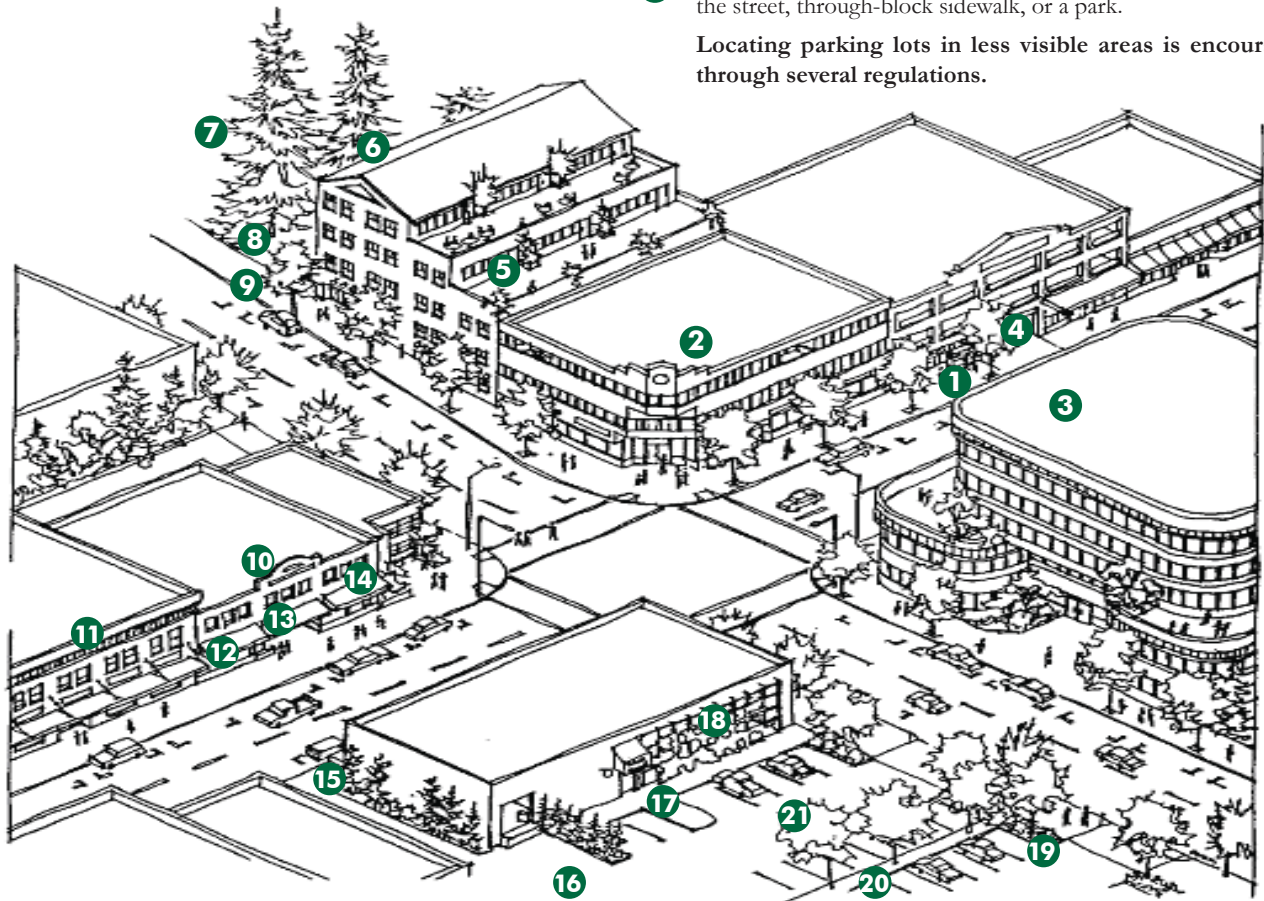
- 5 Human scale features such as balconies or decks, bay windows, covered entries, gable or hipped rooflines, multiple paned windows, or pedestrian-oriented space may be required.
- 6 More flexible method of measuring building height on slopes.
- 7 New policies regarding tree protection and enhancement of wooded slopes. Standards for size, quantity, quality, and maintenance of landscape plant materials are set by the Zoning Code.

- 8 Standards for size, quantity, quality, and maintenance of landscape plant materials are set by the Zoning Code.
- 9 Standards are set for pathway width, pavement, lighting, and site features on required major pathways and public properties.
- 10 A building cornerstone or plaque may be required.
- 11 Covering up existing masonry or details with synthetic materials is restricted.
- 12 Ground story facades of buildings on pedestrian-oriented streets or adjacent to parks may be required to feature display windows, artwork, or pedestrian-oriented space.
- 13 Pedestrian weather protection required on pedestrian-oriented streets.
- 14 Architectural detail elements such as decorative or special windows, doors, railings, grillwork, lighting, trellises, pavements, materials, or artwork to add visual interest may be required.

**Size of parking lots abutting pedestrian-oriented streets may be restricted.**

- 15 Quantity and locations of driveways are regulated.
- 16 Visible service areas and loading docks must be screened.
- 17 Provision for pedestrian circulation is required in large parking lots.
- 18 Blank walls near streets or adjacent to through-block sidewalks must be treated with landscaping, artwork, or other treatment.
- 19 Screening of parking lots near streets is required.
- 20 Standards for curbs, signing, lighting, and equipment are set for parking lots.
- 21 Internal landscaping is required on large parking lots visible from the street, through-block sidewalk, or a park.

**Locating parking lots in less visible areas is encouraged through several regulations.**





- ◆ Use materials and forms that reinforce the visual coherence of the campus.
- ◆ Provide inviting and useable open space.
- ◆ Enhance the campus with landscaping.
- ◆ Guidelines for the transit center to be located on the hospital campus should be developed and incorporated with guidelines for the rest of the campus.

The following guidelines do not apply to Totem Center:

- ◆ Height Measurement on Hillsides
- ◆ Views of Water



### Introduction

Successful pedestrian-oriented business districts, as opposed to “commercial strips,” depend upon making pedestrian circulation more convenient and attractive than vehicular circulation, because the retail strategy for such districts

### Purpose of the Design Guidelines for Neighborhood Business Districts

The Comprehensive Plan establishes a hierarchy of commercial districts, with regional goods and services the upper end and neighborhoods goods and services the lower end.

Kirkland's Neighborhood Business Districts (BN, BN and MSC2) are important in providing neighborhood goods and services. Given the more localized draw for residents to meet their everyday needs, an emphasis on convenient and attractive pedestrian connections and vehicular access is important.

In addition, because these districts are surrounded by residential land uses they serve, the design character in context of new development is critical to ensure that it integrates into the neighborhood.

The design guidelines are intended to further the following design objectives that are stated in the Plan:

- ◆ Establish development standards that promote attractive commercial areas and reflect the distinctive role of each area.
- ◆ Encourage and develop places and events throughout the community where people can gather and interact.
- ◆ Moss Bay neighborhood: Ensure that building design is compatible with the neighborhood in scale, and character.
- ◆ South Rose Hill neighborhood: Residential scale and design are critical to integrate these uses into the residential area.

The following guidelines do not apply to these districts:

- ◆ Protection and Enhancement of Wooded Slopes
- ◆ Height Measurement on Hillsides
- ◆ Culverted Creeks

### Purpose of the Design Guidelines for the Houghton/Everest Neighborhood Center

The plan for the Houghton/Everest Neighborhood Center was adopted in 2017. The primary goal of the plan is to promote a strong and vibrant pedestrian oriented neighborhood center with a mix of commercial and residential land uses that primarily serve the adjacent neighborhoods.

In addition, the neighborhood center contains an important interface with the Cross Kirkland Corridor (CKC). Successfully integrating site and building design, as well as public access, with this important transportation and open space amenity will mutually benefit the neighborhood center and the CKC. Thoughtful design of the interface will attract nonmotorized customers and residents to the neighborhood center and create an attractive and safe space for pedestrians and bicyclists using the CKC.

The Guidelines are intended to further the following design objectives that are stated in the Comprehensive Plan.

- Coordinate development on both sides of the NE 68th Street Corridor in the Everest and Central Houghton neighborhoods.
- Promote a pedestrian-oriented development concept through standards for a coordinated master plan for the center.
- Reduce ingress and egress conflicts within and around the center through creation of a circulation system for all users including vehicles, bicycles and pedestrians.
- Design buildings with careful attention given to modulation, upper story step backs, and use of materials to reduce the appearance of bulk and mass.
- Coordinate street improvements.
- Provide transitions between commercial and low density residential areas.
- Discourage southbound through traffic on 106th Avenue NE.
- Enhance the gateway at the corner of NE 68th Street and 108th Avenue NE.
- Provide gathering spaces and relaxation areas within the center.

The following guidelines do not apply to the Neighborhood Center:

- Protection and Enhancement of Wooded Slopes
- Height Measurement on Hillsides
- Culverted Creeks



## “Pedestrian-Friendly” Building Fronts

### Issue

Building setbacks were originally developed to promote “pedestrian-friendly” building fronts by providing light, air, and safety. But dull building facades and building setbacks that are either too wide or too narrow can destroy a pedestrian streetscape. A successful pedestrian business district must provide interesting, pedestrian-friendly building facades and sidewalk activities.

### Discussion

Building fronts should have pedestrian-friendly features transparent or decorative windows, public entrances, murals, bulletin boards, display windows, seating, or street vendors that cover at least 75 percent of the ground-level storefront surface between 2’ and 6’ above the sidewalk.



Sitting areas for restaurant and merchandise displays should allow at least a 10’ wide pavement strip for walking. Planters can define the sitting area and regulate pedestrian flow.

Blank walls severely detract from a pedestrian streetscape. To mitigate the negative effects of blank walls:

- ◆ Recess the wall with niches that invite people to stop, sit, and lean.
- ◆ Allow street vendors.
- ◆ Install trellises with climbing vines or plant materials.
- ◆ Provide a planting bed with plant material that screens at least 50 percent of the surface.
- ◆ Provide artwork on the surface.

### Guideline

**All building fronts should have pedestrian-friendly features as listed above.**

## Special Consideration for Downtown Kirkland - Glazing

Building frontages along pedestrian-oriented streets in the Central Business District should be configured to have a 15’ story height to ensure suitability for diverse retail tenants and enhance the pedestrian experience. Where these taller retail stories are required, special attention to storefront detailing is necessary to provide a visual connection between pedestrian and retail activity.

### Guideline

**Storefronts along pedestrian-oriented streets should be highly transparent with windows of clear vision glass beginning no higher than 2’ above grade to at least 10’ above grade. Windows should extend across, at a minimum, 75% of the façade length. Continuous window walls should be avoided by providing architectural building treatments, mullions, building modulation, entry doors, and/or columns at appropriate intervals.**

## Special Consideration For Non-Retail Lobbies In Central Business District 1A & 1B

Non-retail uses are generally not allowed along street frontage within Central Business District 1. However, in order to provide pedestrian access to office, hotel, or residential uses located off of the street frontage or above the retail, some allowance for lobbies is necessary.

### Guideline

**Lobbies for residential, hotel, and office uses may be allowed within the required retail storefront space provided that the street frontage of the lobby is limited relative to the property’s overall retail frontage and that the storefront design of the lobby provides continuity to the retail character of the site and the overall street.**

## Special Consideration for Totem Center

Since pedestrians move slowly along the sidewalk, the street level of buildings must be interesting and varied. Since the potential exists for large tenants to locate within TL 2, efforts should be made to minimize the impacts of these uses along pedestrian-oriented streets and concourses. Along 120<sup>th</sup> Avenue NE, buildings should be designed to add vitality along the sidewalk, by providing multiple entrance points to shops, continuous weather protection, outdoor dining, transparency of windows and interactive window displays, entertainment and diverse architectural elements. Ground floor development in TL 2 should be set close to the sidewalk along pedestrian streets and concourses to orient to the pedestrian and provide an appropriately-scaled environment.



## Special Consideration for Neighborhood Business Districts

### Issue

and Houghton/Everest  
Neighborhood Center

To create a focal point for the community and engage pedestrians, buildings are encouraged to be oriented to pedestrian-oriented streets in these zones. However, commercial space that is above or below the grade of the sidewalk can compromise the desired pedestrian orientation.

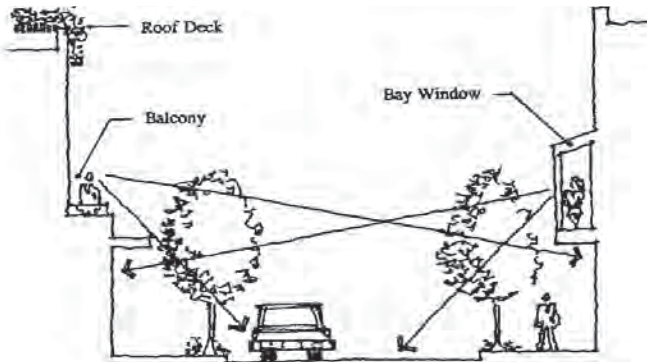
### Guideline

*Commercial space should generally be at grade with the adjoining sidewalk. Where this is not feasible, the building should be setback from the sidewalk far enough to allow a comfortable grade transition with generous pedestrian-oriented open space.*

## Upper-Story Activities Overlooking the Street

### Issue

Upper-story architectural features such as balconies, roof decks, and bay windows improve the relation between the upper-story living and working units and the street. Upper-story activity provides additional security at night – people overlooking a street tend to “patrol” it – and give the street a more human, people-oriented quality.



### Discussion

All buildings should have either an individual balcony or bay window for each dwelling unit or a collective roof deck that overlooks the street or both. This is especially important on the second and third floors where it is easier to establish connection with people on the street level.

Retail stores, offices, and studios liven second stories, particularly at night when second story activities are silhouetted.

Balconies should have direct access from an interior room and be at least 6' in depth so that two or three people can sit at a small table and have enough room to stretch their legs.

Plantings are encouraged on balconies and roof decks in order to bring more greenery into the City. Window seating at bay windows enables people to sit by a window and overlook the street.

### Guideline

*All buildings on pedestrian-oriented streets should be encouraged to have upper-story activities overlooking the street, as well as balconies and roof decks with direct access from living spaces. Planting trellises and architectural elements are encouraged in conjunction with decks and bay windows. Upper-story commercial activities are also encouraged.*

## Lighting from Buildings

### Issue

Overpowering and uniform illumination creates glare and destroys the quality of night light. Well-placed lights will form individual pools of light and maintain sufficient lighting levels for security and safety purposes.

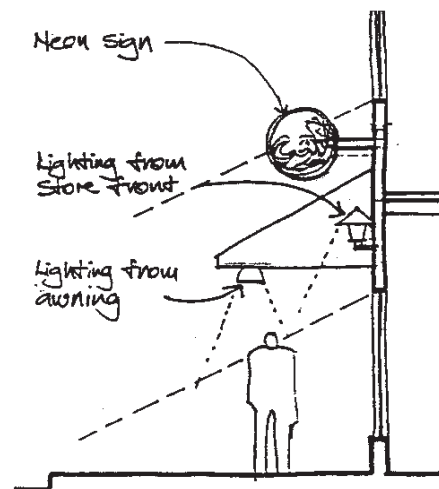
### Discussion

All building entries should be lighted to protect occupants and provide an inviting area.

Building facades, awnings, and signs should not be lighted with overpowering and uniform lights. They should be lighted with low-level building-mounted lights and placed apart to form pools of light. Lighting from storefronts, canopies, or awnings is a very attractive and effective way to light sidewalks.

### Recommended Minimum Light Level:

- ◆ Primary pedestrian walkway: 2 foot candle
- ◆ Secondary pedestrian walkway: 2 foot candle
- ◆ Parking lot: 1 foot candle





### Guideline

All building entries should be well lit. Building facades in pedestrian areas should provide lighting to walkways and sidewalks through building-mounted lights, canopy- or awning-mounted lights, and display window lights. Encourage variety in the use of light fixtures to give visual variety from one building facade to the next. Back-lit or internally-lit translucent awnings should be prohibited.

## Pedestrian-Oriented Plazas

### Issue

Too often we see well-designed – but empty – plazas. There is no clear formula for designing a plaza, but a poorly designed plaza will not attract people.

### Discussion

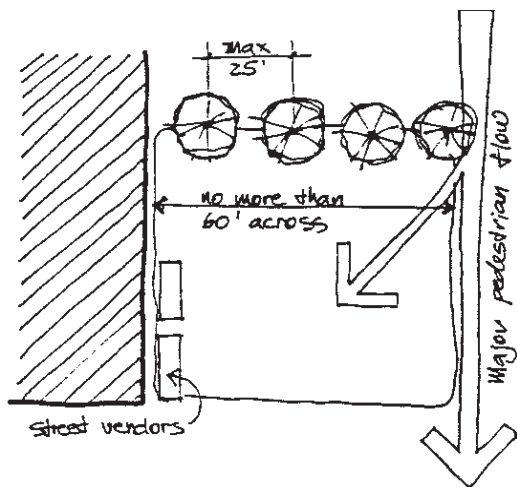
Plazas should be centrally located on major avenues, close to bus stops, or where there are strong pedestrian flows on neighboring sidewalks.

Plazas should be no more than 60’ across and no more than 3’ above or below the sidewalk. They must be handicapped accessible.

Plazas should have plenty of benches, steps, and ledges for seating. At least one linear foot of seating per 30 square feet of plaza area should be provided; seating should have a minimum depth of 16”.

Locate the plaza in a sunny spot and encourage public art and other amenities. At least 50 percent of the total frontage of building walls facing a plaza should be occupied by retail uses, street vendors, or other pedestrian-oriented uses.

Provide plenty of planting beds for ground cover or shrubs. One tree should be required for every 200 square feet at a maximum spacing of 25’ apart. Special precaution must be taken to prevent trees from blocking the sun.



### Guideline

Successful pedestrian-oriented plazas are generally located in sunny areas along a well-traveled pedestrian route. Plazas must provide plenty of sitting areas and amenities and give people a sense of enclosure and safety.

## Special Considerations for Totem Center

Public spaces, such as landscaped and/or furnished plazas and courtyards should be incorporated into the development, and be visible and accessible from either a public sidewalk or pedestrian connection. Primary pedestrian access points to retail development in TL 2 along 120<sup>th</sup> Avenue NE may be especially effective locations for public plazas.

Open spaces are especially important in TL 1, where the built environment may be dense. Well designed open spaces in front of and between buildings, visually linked with the open spaces of adjacent developments, will help to provide relief for the pedestrian.

## Pedestrian Connections

### Issue

the Cross Kirkland Corridor and Eastside Rail Corridor,

The ability to walk directly into a commercial center from the public sidewalk or a bus stop is essential to both pedestrian and vehicular safety.

### Discussion

Well defined, direct pedestrian connections from the building to the public sidewalk are not always available in commercial centers. The connection between the internal pedestrian system on the site and the public sidewalk is often interrupted by landscaping or an automobile driveway.

Properly located landscaping can be used along with special paving to help define pedestrian links through the site





## Guideline

the Cross Kirkland Corridor  
and Eastside Rail Corridor,

*Commercial developments should have well defined, safe pedestrian walkways that minimize distances from the public sidewalk and transit facilities to the internal pedestrian system and building entrances.*

## Blank Walls

### Issue

Blank walls create imposing and dull visual barriers. On the other hand, blank walls are ready “canvases” for art, murals, and landscaping.

### Discussion

*Blank walls on street fronts.* Blank walls on retail frontage deaden the surrounding space and break the retail continuity of the block. Blank walls should be avoided on street front elevations. The adverse impact of a blank wall on the pedestrian streetscape can be mitigated through art, landscaping, street vendors, signs, kiosks, bus stops, or seating. Design guidelines in New York, San Francisco, and Bellevue recommend that ground floor retail with pedestrian-oriented displays be the primary uses in commercial districts. This approach is meant to restore and maintain vitality on the street via continuous rows of retail establishments.

*Blank walls perpendicular to street fronts.* In some cases fire walls require the intrusion of a flat, unadorned surface. These conditions merit landscaping or artistic treatment. Examples of such treatment include installing trellises for vines and plant material, providing landscaped planting beds that screen at least 50 percent of the wall, incorporating decorative tile or masonry, or providing artwork (mural, sculpture, relief) on the wall.



## Guideline

the Cross Kirkland Corridor  
and Eastside Rail Corridor,

*Blank walls should be avoided near sidewalks, parks, and pedestrian areas. Where unavoidable, blank walls should be treated with landscaping, art, or other architectural treatments.*

# Public Improvements and Site Features

## Introduction

Site features and pedestrian amenities such as lighting, benches, paving, waste receptacles, and other site elements are an important aspect of a pedestrian-oriented business district’s character. If these features are design-coordinated and high quality, they can help to unify and upgrade the district’s visual character. Development of a master plan for public spaces can provide a coordinated approach to their installation throughout the district.

The guidelines in this section apply primarily to elements associated with street right-of-ways, public parks, and required *major pedestrian pathways*. Although the standards do not apply to private property, except where a *major pedestrian pathway* is required, property owners are encouraged to utilize the standards in private development where they are appropriate. However, there may be cases where different site features, such as light fixtures and benches, should be selected to complement the architectural design of the individual site.



**Special Consideration for Houghton/Everest Neighborhood Center**  
Through block pedestrian connections and connections to the Cross Kirkland Corridor are important features that will help to provide pedestrian access throughout the center.

## Pathway Width

### Issue

Pathways must be sufficiently wide to handle projected pedestrian traffic. A pathway that is too narrow will have maintenance problems at its edges. A pathway that is too wide is unnecessarily costly and a poor use of space.

### Discussion

A pedestrian path of 10’ to 12’ can accommodate groups of persons walking four abreast or two couples passing each other.

A path near a major park feature or special facility like a transit center should be at least 12’ wide. An 8’ path will accommodate pedestrian traffic of less than 1,000 persons per hour.

Empirical Comparison:

- ◆ Green Lake path = 8’
- ◆ Burke-Gilman Path = 8’
- ◆ Typical sidewalk = 8’ to 14’

### Guideline

**Design all major pedestrian pathways to be at least 8’ wide. Other pathways with less activity can be 6’ wide.**

### Special Considerations for Juanita Business District

Through-site connections from street to street are a desirable pedestrian amenity in Land Use Area JBD-1.

The goal of these pedestrian connections will be to knit the individual developments into a more cohesive whole, providing convenient pedestrian mobility throughout even if the parcels are developed individually.

### Special Consideration for North Rose Hill Business District

Buildings in the NRHBD will be setback at least ten feet from the sidewalk. Landscaping and entry features will be located within this setback yard. Therefore, the sidewalk can be somewhat narrower than on a pedestrian oriented street.

### Special Considerations for Totem Center

Through-site connections from street to street, between the upper and lower portions of TL 2, and within TL 2 are needed to provide convenient pedestrian mobility, and to contribute to the village-like character desired for TL 2. Pedestrian connections to surrounding related uses, such as the hospital campus and transit center should also be provided.

tion between the upper and lower mall, such as the use of larger trees at crossings and major points of entry. Choose spacing and varieties to create a plaza-like character to encourage pedestrian activity. Trees in planters and colorful flower beds will soften the area for pedestrians but allow visual access to adjoining businesses. The tree planting plan used along NE 128<sup>th</sup> Street between Totem Lake Boulevard and 120<sup>th</sup> Avenue NE should be continued to the segment of 120<sup>th</sup> Avenue NE between NE 128<sup>th</sup> Street and NE 132<sup>nd</sup> Street, to provide a consistent identity throughout the district.

**NE 132<sup>nd</sup> Street:** Create a strong streetscape element, inviting to the pedestrian, with street trees proportionate to adjacent land uses.

## Public Improvements and Site Features

### Issue and Discussion

The quality and character of public improvements and site features such as street and park lights, benches, planters, waste receptacles, pavement materials, and public signs are critical components of a city’s image. Standards for public improvements and site features, along with a master plan for public spaces, will assist in the development of a coordinated streetscape that will unify the variety of private development. Successful standards help assure high quality, low maintenance site features, and simplify the purchase and replacement of features for parks and public works departments.

Since public improvement standards have long-term implications for the community, relevant City departments must be involved in their development to make sure all concerns are met. Standards should permit some flexibility and address technical issues such as cost, availability, handicapped accessibility, and durability.



**Special Consideration for Houghton/Everest Neighborhood Center**  
Pedestrian lighting should be provided along school walk routes and all pedestrian oriented streets in the the center.

## Guideline

Planning and Building Department

*The ~~Department of Planning and Community Development~~, along with other City departments, should develop a set of public improvement and site feature standards for use in pedestrian-oriented business districts. The standards can be the same or unique for each district. A master plan for public spaces within a district should be adopted to coordinate placement of the features and otherwise carry out the Comprehensive Plan.*

The City of Kirkland should work with interested groups to design a public sign system for gateways, pathways, information kiosks, etc., with a signature color palette and identifying logo.

### Special Considerations for the Market Street Corridor

An historic style of street light should be used to reflect the nature of the 1890's buildings in the historic district at 7th Avenue and Market Street. These lights may also be used along other stretches of the corridor, particularly in the area between the Historic District and the Central Business District.

## Entry Gateway Features

### Issue

The Comprehensive Plan calls for gateway features at the key entry points into neighborhoods and business districts. Entry points differ in topography, available space, and surrounding visual character; nevertheless, gateway features should be reinforced by a unified design theme. Gateway features can be different in size or configuration, yet still incorporate similar materials, landscaping, graphics, and design elements.

### Discussion

The gateway features should frame and enhance views. Large sign bridges or flashing graphics would dominate the view and are inappropriate. Consistent elements that could be incorporated at all entry points might include:

- ◆ Distinctive landscaping such as floral displays or blue-green colored evergreen foliage.
- ◆ Multicolored masonry, perhaps forming a screen or wall on which an entry sign is placed.
- ◆ A distinctive light such as a column of glass block or cluster of globes.



# Parking Lot Location and Design

## Introduction

In pedestrian-oriented business districts, improperly located and poorly designed parking lots can destroy the ambiance and qualities that attract people to the district in the first place. This section contains guidelines to direct development of parking facilities. The number of required stalls is specified in the Kirkland Zoning Code. The guidelines in this section deal with:

- ◆ Parking lot location – Parking in front of buildings is discouraged, and combined lots that serve more than one business or use are encouraged.
- ◆ Parking lot entrances – The number of entries is addressed.
- ◆ Parking lot circulation and pedestrian access – Clear internal vehicular and pedestrian circulation is required, especially in large parking lots.
- ◆ Parking garages – Parking garages provide convenient, less intrusive parking. Yet, garages can themselves be intrusive since they are often large monolithic structures with little refinement, interest, or activity. The guidelines for parking garages are intended to make them fit into the scale and character of pedestrian-oriented districts.
- ◆ Parking Lot Landscaping – Parking lot landscaping should be more extensive if the lot has to be in a location that is visible from a street or public park than if the lot is located at the rear of the site hidden away from streets and neighboring properties. This provision is made to encourage parking lot development in less visible locations.

On the following pages, urban design guidelines are presented that outline design information, concepts, and solutions associated with parking lot development. They serve as a conceptual basis for the regulations in the Zoning Code.

## Parking Locations and Entrances

### Issue

Parking lots can detract from the pedestrian and visual character of a commercial area. The adverse impacts of parking lots can be mitigated through sensitive design, location, and configuration.

## Discussion

The ingress and egress of vehicles in parking lots disrupts pedestrian movement and through traffic – especially near intersections. Moreover, busy streets are a safety hazard. Parking lots that are accessed by a single curb cut reduce potential conflict and use land more efficiently. Also, combining the parking lots of individual stores into a large parking network makes it easier for patrons to find convenient parking stalls.

Parking lots should be encouraged in rear or side yards. The parking lot at Wendy's restaurant on Central Way is an example of this configuration.

The City of Seattle limits parking lot access on pedestrian-oriented streets such as Broadway on Capitol Hill.



## Guideline

**Minimize the number of driveways by restricting curb cuts and by encouraging property and business owners to combine parking lot entrances and coordinate parking areas. Encourage side and rear yard parking areas by restricting parking in front yards. Require extensive screening where there is front yard parking.**

## Special Consideration for Downtown Kirkland

Parking lot location and design is critical on busy entry streets such as Market Street, Central Way, Lake Street, Kirkland Avenue, and in the congested core area where pedestrian activities are emphasized. The *Downtown Plan* calls for limiting the number of vehicle curb cuts.

## Special Consideration for Juanita Business District and North Rose Hill Business District

Shared accesses and reciprocal vehicular easements should be established in order to reduce the number of curb cuts. The Juanita Business District Plan also encourages shared parking/service areas in Land Use Area JBD-1. This is particularly critical in TL 2, where buildings should front on 120<sup>th</sup> Avenue NE to foster the desired pedestrian-oriented environment.





**Special Considerations for Houghton/Everest Neighborhood Center**  
 Consolidate driveways within the neighborhood center, especially existing driveways that are currently closely spaced. Restrict or mitigate surface parking between buildings and the Cross Kirkland Corridor.

## Special Consideration for Totem Center

Throughout Totem Center, parking areas located between the street and the building should be discouraged. This is particularly critical in TL 2, where buildings should front on 120<sup>th</sup> Avenue NE to foster the desired pedestrian-oriented environment.

## Circulation Within Parking Lots

### Issue

Large parking lots can be confusing unless vehicle and pedestrian circulation patterns are well organized and marked. Parking lots should be combined to reduce driveways and improve circulation.

### Discussion

*Vehicle Circulation.* Parking lots should have few dead-end parking lanes and provide drive-through configurations. The APA *Aesthetics of Parking* publication recommends channelized queuing space at the entrances and exits to parking lots to prevent cars from waiting in the street.

*Pedestrian Circulation.* Good pedestrian circulation is critical. A clear path from the sidewalk to the building entrance should be required for all sites, even through parking lots in front yards. For sites with large parking lots, clear pedestrian circulation routes within the lot from stalls to the building entrances should be provided. In addition, a raised concrete pavement should also be provided in front of the entrance as a loading or waiting area so the entrance will not be blocked by parked vehicles. Finally, pedestrian access between parking lots on adjacent properties should be provided.

### Guideline

***Parking lot design should be clear and well organized. Space should be provided for pedestrians to walk safely in all parking lots.***

## Special Consideration for Downtown Kirkland

Because land is limited in Downtown Kirkland, efficient and compact parking lot configurations are a top priority. Parking lots in the periphery of the core area that accommodate about 100 vehicles (approximately 3/4 to 1 acre) should be articulated with landscaped berms.

### Issue

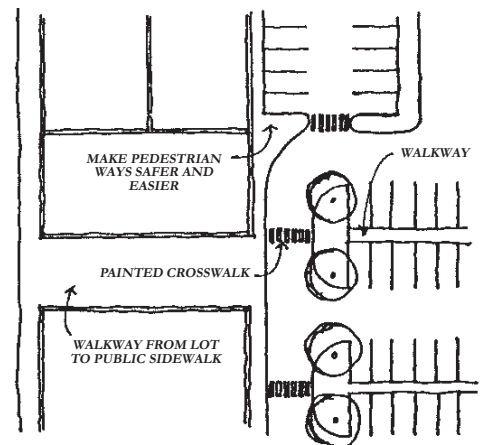
Parking lots are typically unsightly, require vast quantities of space, break the links between buildings, and destroy the continuity of streetfronts. If possible, parking lots should be located at the rear of buildings. When this is not possible, landscaping can be used to break up and screen parking lots.

### Discussion

Parking lots can be concealed by a structural screen wall or through the use of plant materials. Plant materials can create dense, hedge-like screens, separating lots from adjacent uses or public right-of-ways. Perimeter plantings must provide an adequate screen. A screen wall constructed in a similar style as adjacent development may be used in lieu of perimeter landscaping.

Trees along the edges of and within parking lots can effectively soften an otherwise barren and hostile space. Interior plantings can be consolidated to provide islands of greenery or be planted at regular intervals. Use of drought-tolerant plants can improve the likelihood that the landscaping will survive and look good.

Landscaping guidelines should be flexible and allow creative screening methods (e.g., clustering trees, berming, mixing structures, and trees). Less landscaping should be required if the lot is hidden from view.



### Guideline

***Parking lots must be integrated with the fabric of the community by creatively using landscaping to reduce their visual impact.***



### Special Consideration for Downtown Kirkland

Pedestrian features should be differentiated from vehicular features; thus fenestration detailing, cornices, friezes, and smaller art concepts should be concentrated in Design Districts 1 and 2, while landscaping and larger architectural features should be concentrated in Design Districts 3, 5, 7, and 8.

### Special Consideration for Totem Center

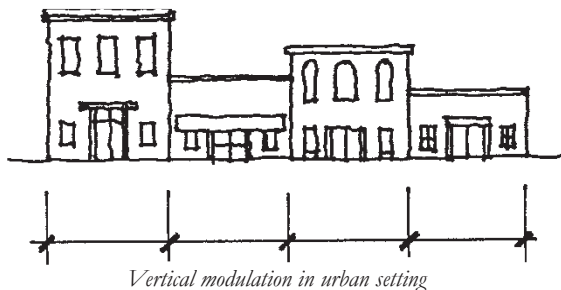
Balconies provide private open space, and help to minimize the vertical mass of structures. Residential building facades visible from streets and public spaces should provide balconies of a sufficient depth to appear integrated with the building and not “tacked on”.

## Building Modulation – Vertical Issue

Vertical building modulation is the vertical articulation or division of an imposing building facade through architectural features, setbacks, or varying rooflines. Vertical modulation adds variety and visual relief to long stretches of development on the streetscape. By altering an elevation vertically, a large building will appear to be more of an aggregation of smaller buildings. Vertical modulation is well-suited for residential development and sites with steep topography.

### Discussion

Urban design guidelines should address vertical modulation in order to eliminate monotonous facades. Vertical modulation may take the form of balcony setbacks, varied rooflines, bay windows, protruding structures, or vertical circulation elements – the technique used must be integral to the architecture.



Vertical modulation is important primarily in neighborhoods where topography demands a stepping down of structures. The vertical modulation of a large development project in a residential area can make the project appear to be more in scale with the existing neighborhood. Long facades can be vertically modulated to better conform to the layout and development pattern of single-family houses. The vertical modulation of buildings on steep slopes also provides terraced development rather than one single building block, thereby better reflecting the existing terrain.

### Guideline

**Vertical building modulation should be used to add variety and to make large buildings appear to be an aggregation of smaller buildings.**



*This building uses both horizontal and vertical modulation to add interest and reduce its visual bulk.*

### Special Considerations for Totem Center

Since greater heights are allowed in TL 1 than elsewhere in the city, the impacts of increased height are a concern. Impacts associated with taller buildings are generally ones of reduced open space and privacy, shadowing and loss of light.

Massing of development in slimmer but taller towers rather than in shorter, wider buildings presents an opportunity to create open space between existing buildings, particularly when buildings step back from property lines and neighboring structures. For new buildings to fit in to the existing setting, a balance between higher and lower structures should be maintained.

To preserve openness between structures, separation between towers, both on a development site and between adjacent properties, should be provided. The specific separation should be determined based on height, relation and orientation to other tall structures, configuration of building mass and solar access to public spaces.

Taller buildings or “towers” in TL 1 should have relatively compact floor plates. The use of towers above a two-three story podium creates a varied building footprint and the perception of a smaller overall building mass. When the building’s mass is instead concentrated in lower buildings with larger floor plates, greater emphasis should be placed on open space and plazas to provide relief at the pedestrian level.

Design treatments used in the upper portion of a building can promote visual interest and variety in the Totem Center skyline. Treatments that sculpt the facades of a building, provide for variety in materials, texture, pattern or color, or provide a specific architectural rooftop element can contribute to the creation of a varied skyline.

## Special Considerations for Neighborhood Business Districts

### Issue

and the Houghton/Everest Neighborhood Center

Because these districts are typically integrated into residential areas, the design should reflect the scale of the neighborhood by avoiding long façades without visual relief.

### Guideline

*Façades over 120 feet in length should incorporate vertical definition including substantial modulation of the exterior wall carried through all floors above the ground floor combined with changes in color and material.*

## Building Modulation – Horizontal

### Issue

Horizontal building modulation is the horizontal articulation or division of larger building façades. The lower portion of a multi-story building should incorporate pedestrian-scale elements and a strong base. The top of the building should incorporate distinctive roof treatments. Elevations that are modulated with horizontal elements appear less massive than those with sheer, flat surfaces. Horizontal modulation is well suited to downtown areas and automobile-oriented streetscapes where the development of tall building masses is more likely.

### Discussion

A lively urban character uses a variety of architectural forms and materials that together create an integrated pattern of development with recurring architectural features. Horizontal awnings, balconies, and roof features should be incorporated into new development provided that their appearance varies through the use of color, materials, size, and location.



*Horizontal modulation elements: canopy, brick banding, and window details.*

### Guideline

*Horizontal building modulation may be used to reduce the perceived mass of a building and to provide continuity at the ground level of large building complexes. Building design should incorporate strong pedestrian-oriented elements at the ground level and distinctive roof treatments.*

### Special Consideration for Downtown Kirkland

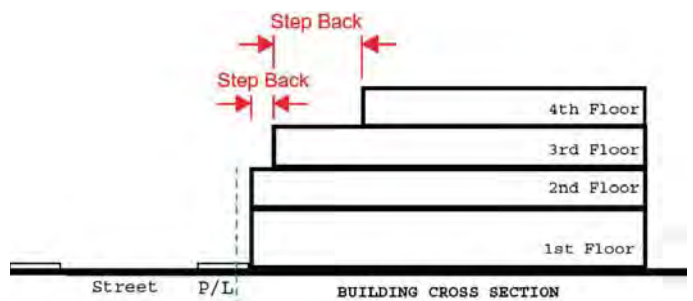
Large-scale developments, particularly east of the core area, should stress continuity in streetscape on the lower two floors. Setback façades and varied forms should be used above the second stories.

## Special Consideration for Building Massing in Central Business District 1 (CBD 1A & 1B) - Upper Story Step Backs

and the Houghton/Everest Neighborhood Center

### Issue

Taller buildings can negatively affect human scale at the street level and should be mitigated. Upper story step backs provide a way to reduce building massing for larger structures. An upper story building step back is the horizontal distance between a building façade and the building façade of the floor below.



By reducing mass at upper stories, visual focus is oriented towards the building base and the pedestrian experience. In addition, greater solar access may be provided at the street level due to the wider angle which results from the recessed upper stories



*Marina Heights*

Upper story step backs are appropriate in areas where taller buildings are allowed and imposing building facades at the sidewalk are intended to be avoided.

## Discussion

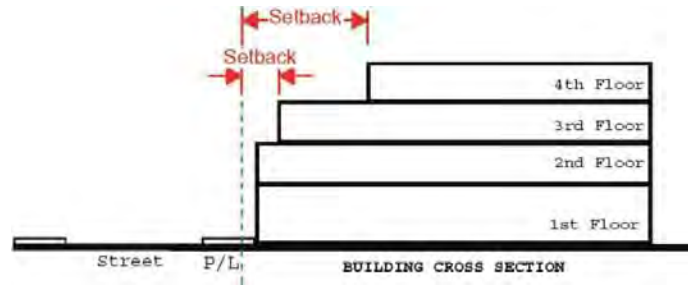
Design guidelines should address upper story step backs to improve the pedestrian experience and maintain human scale. When viewed from across the street, upper story step backs generally reduce perceived building massing and provide additional sunlight at the ground level. When viewed from the sidewalk immediately adjacent to the building, upper story step backs reduce the view of the upper stories and help maintain pedestrian scale by preventing large buildings from looming over the sidewalk.

Since the benefits of upper story step backs are primarily experienced from the public realm in front of buildings, the step backs should be located within a zone along the front property line.

Overly regimented building forms along front facades should be avoided to prevent undesirable building design. The arrangement of building step backs should create varied and attractive buildings consistent with the principles discussed in previous sections.

Upper story step backs also allow for additional eyes on the street in the form of decks and/or balconies. Upper story activities help improve the relationship of the building to the streetscape. Landscaping should also be incorporated at the upper stories to help soften building forms.

In order to quantify upper story step backs, measurement should be taken from the property line. Setback is the term used to describe the distance of a structure from the property line. By measuring from the pre-existing property line, setbacks provide for consistency in measurement and will account for projects where additional right-of-way is proposed or required along the property frontage for wider sidewalks and/or additional public open space.

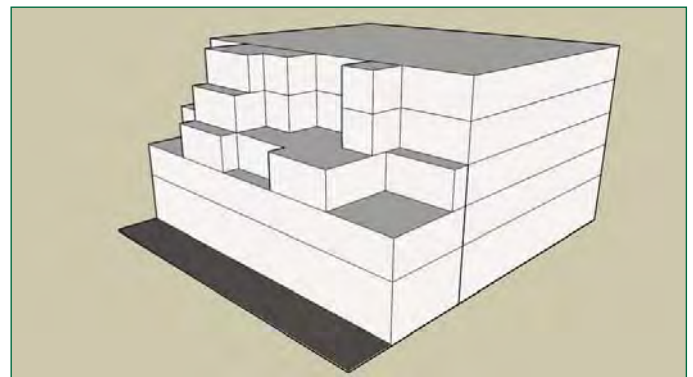


The required upper story setback should be allowed to be reduced if an equal amount of beneficial public open space is provided at the street level. A certain amount of building cantilevering over sidewalks may also be allowed if the pedestrian environment is not adversely affected.

The Kirkland Zoning Code establishes the requirements for upper story setbacks and provisions for allowing reductions to the required upper story setbacks in exchange for open space at the street level. The following guidelines are intended to provide the Design Review Board the tools to create varied and attractive buildings.

## Guidelines - Upper Story Setbacks

- ◆ ***Buildings above the second story (or third story where applicable in the Downtown Plan) should utilize upper story step backs to create receding building forms as building height increases, allow for additional solar access, and maintain human scale at the street level.***
- ◆ ***The final arrangement of building mass should be placed in context with existing and/or planned improvements, solar access, important street corners, and orientation with the public realm.***
- ◆ ***A rigid stair step or “wedding cake” approach to upper story step backs is not appropriate.***
- ◆ ***Decks and/or balconies should be designed so that they do not significantly increase the apparent mass of the building within the required upper story setback area.***

*Varied step back approach*



- ◆ *In addition to applying setbacks to upper stories, building facades should be well modulated to avoid blank walls and provide architectural interest.*
- ◆ *Along pedestrian oriented streets, upper story building facades should be stepped back to provide enough space for decks, balconies and other activities overlooking the street*
- ◆ *Landscaping on upper story terraces should be included where appropriate to soften building forms and provide visual interest.*
- ◆ *Continuous two or three story street walls should be avoided by incorporating vertical and horizontal modulations into the building form.*
- ◆ *Limited areas of vertical three, four, or five story walls can be used to create vertical punctuation at key facades. Special attention to maintain an activated streetscape is important in these areas.*
- ◆ *For properties on Park Lane which front multiple streets and upper story setbacks are proposed to be averaged, concentration of upper story building mass along Park Lane should be avoided.*

### **Guideline - Open Space at Street Level**

*Reductions to required upper story setbacks may be appropriate where an equal amount of beneficial public open space is created at the street level consistent with the following principles:*

- ◆ *Public open space should be open to the sky except where overhead weather protection is provided (e.g. canopies and awnings).*
- ◆ *The space should appear and function as public space rather than private space.*
- ◆ *A combination of lighting, paving, landscaping and seating should be utilized to enhance the pedestrian experience within the public open space.*
- ◆ *Public open space should be activated with adjacent shops, outdoor dining, art, water features, and/or landscaping while still allowing enough room for pedestrian flow.*
- ◆ *Where substantial open space “trade-offs” are proposed, site context should be the primary factor in the placement of the public open space (e.g. important corners, solar access.)*

### **Guideline - Building Cantilevering Over Sidewalks**

for CBD 1A & 1B only

*Buildings may be allowed to cantilever over sidewalks if a sidewalk dedication and/or easement is required consistent with following guidelines:*

- ◆ *The total length of cantilevered portions of a building should be no more than 1/3rd of the entire length of the building façade. The cantilevered portions of a building should be spread out and not consolidated in a single area on the building façade.*
- ◆ *Unobstructed pedestrian flow should be maintained through the subject property to adjoining sidewalks.*
- ◆ *Space under the building cantilever should appear and function as part of the public realm.*
- ◆ *The sense of enclosure is minimized.*

## **Special Considerations for Neighborhood Business Districts**

### **Issue**

Where buildings are close to the street in these neighborhood areas, vertical building massing can negatively affect human scale at the street level. Upper story step backs provide a way to reduce building massing. An upper story building step back is the horizontal distance between a building façade and the building façade of the floor below.

### **Guideline**

*Above the ground floor, buildings should utilize upper story step backs to create receding building forms as building height increases. Rather than a rigid stair step approach, varied step back depths and heights should be used to create well modulated façades and usable decks and balconies overlooking the street.*

### **Issue**

Within the South Rose Hill Neighborhood Plan, additional mitigation of scale impacts is called for.

### **Guideline**

*Building height, bulk, modulation, and roofline design should reflect the scale and character of adjoining single-family development.*



## Special Considerations for the Market Street Corridor

Emphasis on building features such as doors, windows, cornice treatment, bricks and ornamental masonry should be taken into consideration when designing new or remodeled buildings in the historic district. These features should be in keeping with the building materials, colors and details of the existing historic buildings.

## Color

### Issue

Color bolsters a sense of place and community identity (e.g., white New England villages, adobe-colored New Mexico towns, limestone Cotswold villages). Kirkland should consider emphasizing the existing color scheme and developing a unified design identity.

### Discussion

A variety of colors should be used in Kirkland. By no means should design be limited by overly-restrictive guidelines dictating color use. Based on Kirkland's existing color scheme, the following general guidelines can prevent garish, incongruous colors from being inappropriately applied or juxtaposed to more subdued earth tones and colors.

- ◆ Where appropriate, use the natural colors of materials such as brick, stone, tile, and stained wood (painted wood is acceptable).
- ◆ Use only high-quality coatings for concrete.
- ◆ Emphasize earth tones or subdued colors such as barn red and blue-gray for building walls and large surfaces.
- ◆ Reserve bright colors for trim or accents.
- ◆ Emphasize dark, saturated colors for awnings, and avoid garish and light colors that show dirt.
- ◆ Avoid highly-tinted or mirrored glass (except stained-glass windows).
- ◆ Consider the color of neighboring buildings when selecting colors for new buildings.

### Guideline

***Color schemes should adhere to the guidelines enumerated above. The use of a range of colors compatible within a coordinated color scheme should be encouraged.***

#### Special Consideration for Houghton/Everest Neighborhood Center

The corner of NE 68th Street and 108th Avenue NE provides a gateway to the Neighborhood Center. Buildings at this corner should be designed to enhance this gateway with elements such as building setbacks and step backs, architectural features, public open space, view preservation and art (see also Design Guidelines for Entry Gateway Features). Building frontages should encourage street level pedestrian activity.

## Street Corners

### Issue

Street corners provide special opportunities for visual punctuation and an enhanced pedestrian environment. Buildings on corner sites should incorporate architectural design elements that create visual interest for the pedestrian and provide a sense of human proportion and scale.

### Discussion

Corners are crossroads and provide places of heightened pedestrian activity. Rob Krier notes that: "The corner of a building is one of the most important zones and is mainly concerned with the mediation of two facades." Corners may be accentuated by towers and corner building entrances.



### Guideline

***Buildings should be designed to architecturally enhance building corners.***

### Special Consideration for Downtown Kirkland

Special attention should be paid to both the design and detailing of new buildings on corner sites in the pedestrian oriented design districts. Existing buildings could incorporate some of these elements (human-scale and visual punctuation) through the use of such elements as awnings and well-designed signs at the corner.

Downtown Kirkland has several "T" intersections, and the building located at the terminus of the street view corridor presents a high-visibility opportunity for special architectural treatment.

The corner of Central Way and Third Street marks a prominent gateway to the core area as well as the Downtown Transit Center and deserves special design emphasis.



# Natural Features

## Introduction

### General

An important aspect of a pedestrian-oriented business district is its physical setting. Natural features of a place are key to residents' and visitors' perception. This section lays out guidelines which serve to merge the design of structures and places with the natural environment. It discusses concepts behind new landscaping as well as the maintenance and protection of existing natural features.

### *Special Considerations for Downtown Kirkland*

A primary goal stated in the Downtown Plan's Vision Statement is to "clarify Downtown's natural physical setting." Besides its excellent waterfront, Downtown Kirkland's most important natural feature is its bowl-shaped topography which provides views down from the heights and views from the downtown of the wooded hillsides surrounding the district. The valley topography also helps to define the downtown's edges and facilitates the transition from largely commercial activities in the valley floor to the mostly residential areas in the uplands. Although Peter Kirk Park is a man-made open space, it too provides a naturalizing function.

### *Special Considerations for Juanita Business District*

The underlying goal of redevelopment in the business district is to create a neighborhood-scale, pedestrian district which takes advantage of the amenities offered by Juanita Bay.

### *Special Considerations for Totem Center*

An important goal in the Totem Lake Neighborhood Plan is to establish a "greenway" extending in an east/west direction across the neighborhood. Portions of the greenway follow Totem Lake Boulevard, along the western boundary of TL 2. Properties abutting the designated greenbelt should be landscaped with materials that complement the natural areas of the greenway where possible.

## Visual Quality of Landscapes

### Issue

The relationship between landscaping and architecture is symbiotic; plant materials add to a building's richness, while the building points to the architectural qualities of the landscaping.

### Discussion

Foliage can soften the hard edges and improve the visual quality of the urban environment. Landscaping treatment in the urban environment can be categorized as a *pedestrian/ auto, pedestrian, or building landscape*.



***The Pedestrian/Auto Landscape*** applies to where the pedestrian and auto are in close proximity. Raised planting strips can be used to protect the pedestrian from high-speed and high-volume traffic. Street trees help create a hospitable environment for both the pedestrian and the driver by reducing scale, providing shade and seasonal variety, and mitigating noise impacts.

***The Pedestrian Landscape*** offers variety at the ground level through the use of shrubs, ground cover, and trees. Pedestrian circulation, complete with entry and resting points, should be emphasized. If used effectively, plant materials can give the pedestrian visual cues for moving through the urban environment. Plant materials that provide variety in texture, color, fragrance, and shape are especially desirable.

***The Building Landscape.*** Landscaping around urban buildings – particularly buildings with blank walls – can reduce scale and add diversity through pattern, color, and form.

Examples of how landscaping is used to soften and enhance the visual quality of the urban environment include:

- ◆ Dense screening of parking lots;
- ◆ Tall cylindrical trees to mark an entry;





- ◆ Continuous street tree plantings to protect pedestrians;
- ◆ Several clusters of dense trees along long building facades;
- ◆ Cluster plantings at focal points;
- ◆ Parking with trees and shrubs planted internally as well as on the perimeter.

**Guidelines**

*The placement and amount of landscaping for new and existing development should be mandated through design standards. Special consideration should be given to the purpose and context of the proposed landscaping. The pedestrian/auto landscape requires strong plantings of a structural nature to act as buffers or screens.*

*The pedestrian landscape should emphasize the subtle characteristics of the plant materials. The building landscape should use landscaping that complements the building's favorable qualities and screens its faults.*

**Special Consideration for North Rose Hill Business District**

A dense landscape buffer should be utilized to provide a transition separating commercial uses from adjoining single family or multi-family residential uses.

**Special Consideration for Totem Center**

Within TL 1, special landscaping elements such as gateways, arches, fountains and sculptures should be incorporated, in order to create a lively streetscape and provide visual interest along the street edge. Where possible, existing mature landscaping should be retained and incorporated into new development to soften the impact of increased site coverage and preserve the green character of the area.

**Protection and Enhancement of Wooded Slopes**

**Issue**

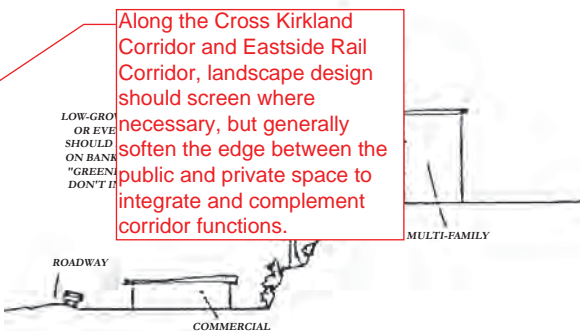
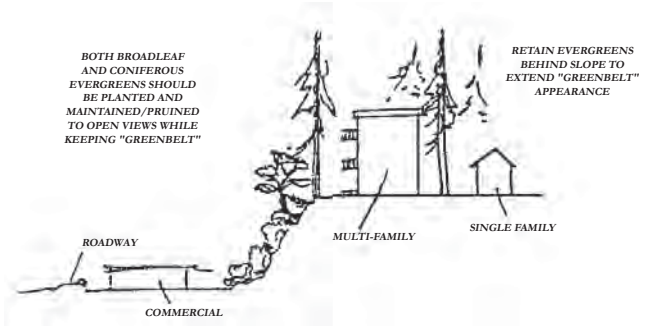
Topography provides opportunities for natural screening that maintains views.

**Discussion**

New plantings on wooded slopes should be selected for their slender, open growth pattern. Limbing-up and thinning-out branches should also be allowed to maintain views while keeping the character of the wooded hillsides. Weed species should be removed and replaced with appropriate native species. Wooded slopes can:

- ◆ Reduce visual impacts of the urban environment.

- ◆ Separate uses by providing a transition zone.
- ◆ Mitigate urban noise and air pollution for upland uses.
- ◆ Provide wildlife habitat.



**Guidelines**

*Vegetation on slopes should be preserved and maintained as a buffer using native vegetation wherever possible.*

*New multifamily and single-family residential developments on slopes should be required to retain about 30 percent of the site in wooded open space and inventoried significant trees. Tree removal or enhancement can be determined by the use and site design.*

*Property owners of lowlands should be sensitive to upland uses and enhance hillsides to maintain existing views. Deciduous trees should be restricted to small varieties; coniferous evergreens should be thinned-out or limbed-up to allow for views from adjoining properties.*

*In developments above view slopes, coniferous evergreens should be incorporated into the site back from the slope to give continuity with the wooded slope. The back sides of commercial lots at the base of hillsides should be planted to screen upland properties from unsightly views of rooftops.*



### ***Special Consideration for Downtown Kirkland***

Using and enhancing existing wooded slopes is especially important to Kirkland's natural setting. The hillsides surrounding Downtown Kirkland can provide a "ring of green." As vegetation ascends the slope it provides a "greenbelt" effect. The proper maintenance or enhancement of such slopes need not disrupt view corridors of upland properties.

### ***Special Consideration for Juanita Business District***

The views of wooded hillsides surrounding the Juanita Business District are a local asset that can be used to upgrade the area's visual impact.

## **Height Measurement on Hillsides**

### **Issue**

Maintaining views and enhancing natural land forms is important to the design character of Kirkland. The scale relationships of built forms to their terrain should minimize visual barriers to views and lessen the impact on surrounding neighborhoods. In order to promote responsible design, building height restrictions should permit a development envelope that conforms to the terrain. Terracing, the stepping down of horizontal elements, is an effective way to develop hillsides and maintain views.

### **Discussion**

The visual character of a landscape should be reflected in the buildings. Buildings that do not conform to steep inclines detract from the natural features of the site and should be avoided. In contrast, buildings that use the terrain as an opportunity for variation in the built form easily fit into their setting without disruption. Terracing a building to roughly parallel the slope of a site will create a building envelope that follows the contour of its property. Terraced roof decks, modulated roofs, and sloped roofs can carry out this objective.



*Terraced buildings reflect the hillside topography ringing Kirkland's Downtown.*

## **Guideline**

***The top of the building should roughly follow the slope of the existing terrain.***

## **Views of Water**

### **Issue**

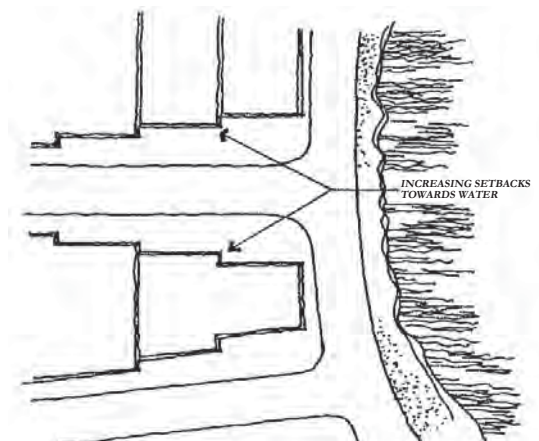
Views of Lake Washington give Kirkland its sense of place within the regional context. The waterfront remains an exceptional resource that should be better linked to nearby districts. A water view is a recurring reminder of the direction, function, and origin of Kirkland.

### **Discussion**

Views may be considered in three ways. The *distant panorama* may be seen from one-quarter to more than one mile away. Development has eliminated most of Kirkland's panoramic views; remaining views should be protected. *View corridors* are places where an avenue between buildings creates a slotted visual path allowing a glimpse of the water beyond. *Proximity views* are those adjacent to and within one block away from the waterfront; they extend the waterfront's character. Each type of view is critical to Kirkland's urban design character.

View corridors and panoramic views from higher ground can be protected by height restrictions and limitations on rooftop clutter. Existing structures in some areas block views of the Lake. With renovation of existing structures, opening up of views should be encouraged. New development should respect the existing view corridors.

Proximity views require much larger fields of vision, therefore, development should remain a comfortable distance from the shore and be set back along view corridors. This will allow views of the water to widen from increasingly closer distances and will eliminate an abrupt change between development and shoreline.



## Guideline

*Existing views should be maintained. This can be accomplished by widening setbacks as development approaches the water. Buildings should step down hillsides. Buildings and rooftop appurtenances should be placed perpendicular to the water in order to safeguard views.*

### ***Special Consideration for Juanita Business District***

View corridors to the Lake should be explored through new development in the business district. Existing residential views and view opportunities through Juanita Beach Park and down public streets should be preserved.

## Culverted Creeks

### Issue

Often stream beds fall victim to progress and their stream banks are reduced to a drain pipe. One way to further the objective of clarifying the natural physical setting is to reopen stream beds wherever possible.

### Guideline

*Opportunities should be sought to restore portions of culverted creeks to their natural state.*

### ***Special Consideration for Downtown Kirkland***

A former stream bed, now enclosed in culverts, flows through the center of downtown from 6th Street, through Peter Kirk Park, just south of Central Way and into Marina Park. A restored stream bed could be incorporated in the parks and other public sites, and possibly on private property.

### ***Special Considerations for Totem Center***

One channel of the Totem Lake tributary extends along I-405, west of Totem Lake Boulevard in a culvert to Totem Lake. If it is feasible, restoration of this stream bed could be incorporated into the “greenway” design developed for this segment of Totem Lake Boulevard. Another tributary of Juanita Creek runs across the northwest section of Totem Center, with portions in a culvert and other portions remaining in an open stream bed. Redevelopment of these properties could include restoration of the culverted portions of the stream as an amenity provided on site.

**Special Consideration for Houghton/ Everest Neighborhood Center**  
Buildings, landscaping and street scape features along the NE 68th Street corridor should be designed to preserve existing views from the public right-of-way. Public spaces should be oriented to take advantage of views when possible.





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  
Kathi Anderson, City Clerk/Public Records Officer  
Ana Campbell, Deputy City Clerk

Date: January 4, 2018

Subject: PUBLIC DISCLOSURE SEMI-ANNUAL PERFORMANCE REPORT

### RECOMMENDATION

City Council receives the semi-**annual status report on the City's public records disclosure** program pursuant to KMC 3.15.120.

### BACKGROUND

In accordance with KMC 3.15.120, **this report presents the performance of the City's Public Disclosure Program** during the second half of 2017. KMC 3.15.120 states that the semi-annual public records disclosure report shall include: (1) the number of open records requests at the beginning of reporting period; (2) the number of records requests received during the reporting period; (3) the number of records requests closed in the period; and (4) the number of open requests at the end of the reporting period. This information is represented in Figure A.

Figure A

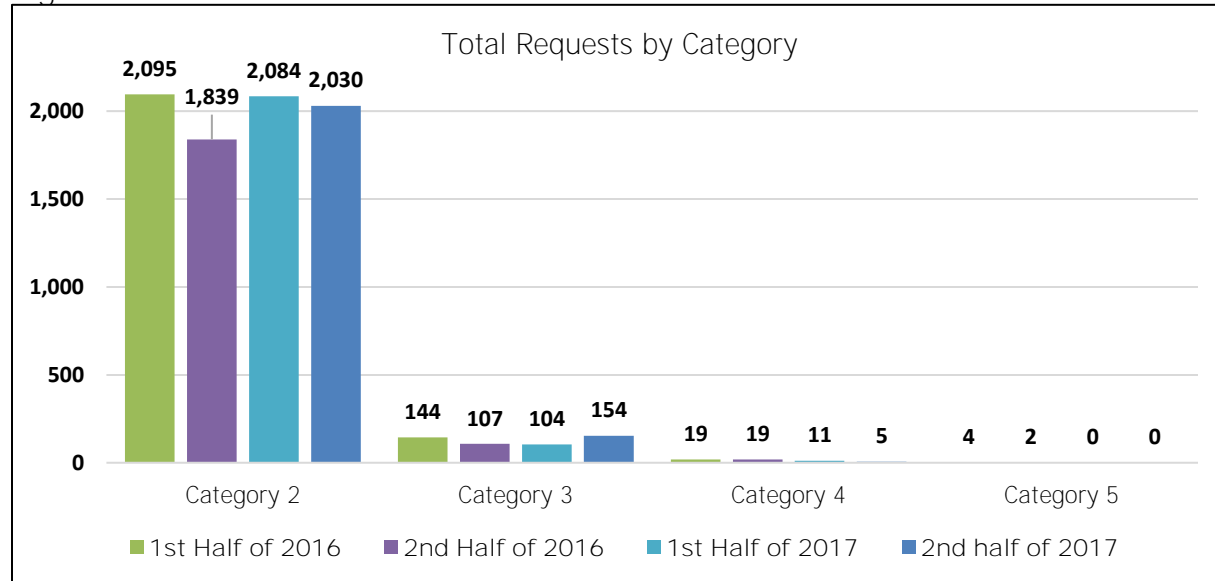
Mandatory Reporting Information	
Requests Open on June 30, 2017	92
Requests Received July – December	2,189
Requests Closed During July – December	2,181
Requests Open on December 31, 2017	100

### DATA-BASED ANALYSIS OF PERFORMANCE

**This report presents information reflecting the City's performance based** on total requests received and evaluates performance in terms of processing time by category. Performance is presented as a comparison between four reporting periods: the first and second halves of 2016 and 2017.

The City experienced a slight decrease in the total number of requests received July through December 2017, compared to the last reporting period of January through June 2017. Requests received in the first half of 2017 total 2,199 and requests received in the second half

of 2017 total 2,189. However, total requests received in 2017 increased by 159 requests compared to 2016 (4,229 to 4,388). The comparison of requests by category between the four reporting periods is presented in Figure B.

Figure B<sup>1</sup>

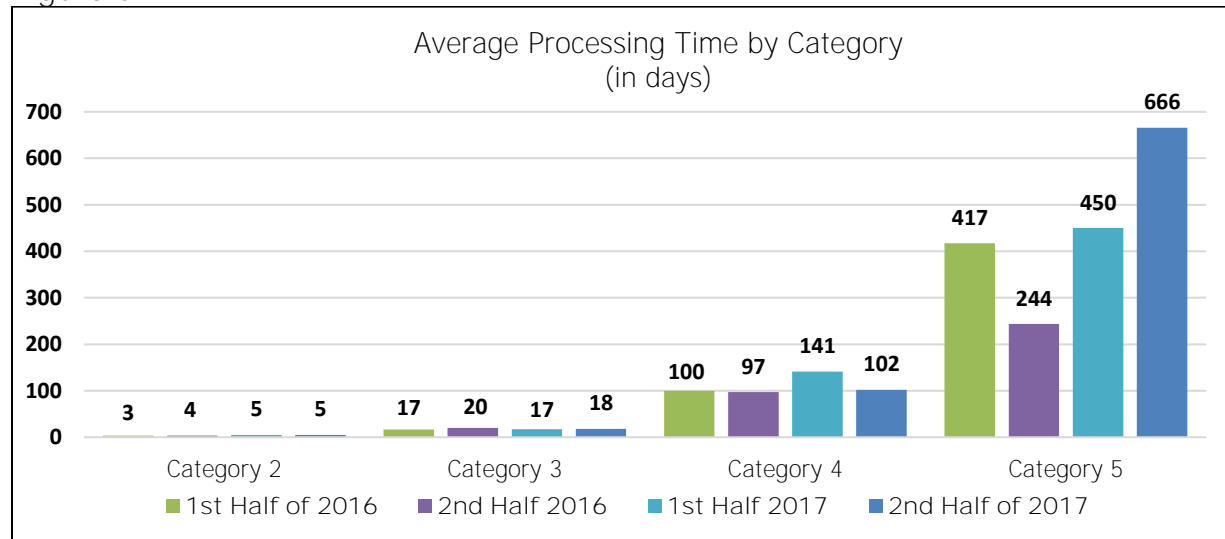
- Category 1 records requests are defined as needing immediate response in the interest of public safety (imminent danger). These requests shall take priority over all other requests.
- Category 2 records requests are defined as routine or readily filled requests for easily identified and immediately accessible records requiring little or no coordination between departments.
- Category 3 records requests are defined as routine requests that involve:
  - A large number of records, and/or
  - Records that are not easily identified, located and accessible, and
  - Records that require some coordination between departments.
- Category 4 records requests are defined as complex requests which may be especially broad or vague which involve:
  - A large number of records that are not easily identified, located or accessible, requiring significant coordination between multiple departments, and
  - Research by City staff who are not primarily responsible for public disclosure and/or
  - Review by public disclosure staff to determine whether any of the records are exempt from production.
- Category 5 records requests are defined as complex requests that may be especially broad or vague which include:
  - A large number of records that are not easily identified, located or accessible, requiring coordination between multiple departments, and
  - Research by City staff who are not primarily responsible for public disclosure and/or
  - Legal review and creation of an exemption log. These requests may require additional assistance from third-parties in identification and assembly.

<sup>1</sup> There were no Category 1 requests received during any of the reporting periods.



The following table is **an evaluation of the City's program by comparing the processing times for each category**. Figure C presents data for the average processing time (in days) by category. The data only reflects processing time for requests that have been closed during the reporting period. During this reporting period the City closed three category 5 requests, two submitted in 2015 and one in 2016.

Figure C



Pursuant to the City's PRA Rule 080, the following goals for standard response time periods are established as follows (note that for categories 3, 4, and 5, the time is dependent on the nature and scope of the request):

### LEGISLATIVE IMPACTS

House Bills 1594 & 1595 were signed into law by Governor Inslee on May 16, 2017 and became effective on July 23, 2017. Highlights of the legislation included the establishment of new performance metrics related to public records retention, management, and disclosure.<sup>2</sup>

City staff upgraded **the City's public records software** to prepare to meet the new State tracking and reporting requirements which will be due to the Joint Legislative Audit and Review Committee (JLARC) on July 1<sup>st</sup> of each year. JLARC has determined that reporting will be by calendar year; therefore the initial report will be comprised of data collected from the date the legislation went into effect, July 23, 2017, through December 31, 2017, and will be submitted before July 1, 2018.

In Mid-November, JLARC issued a guidance document for state and local agencies on tracking of public records data and performance metrics for annual reporting.<sup>3</sup> That guidance will assist staff in interpreting aspects of the legislative requirements related to the metrics which were unclear.

<sup>2</sup> All metrics can be reviewed in appendix A

<sup>3</sup> JLARC guidance document can be reviewed in appendix B

## TIMELINE FACTORS AND CONCLUSION

During this reporting period, staff completed processing, and closed, all pre-existing category 5 requests, as well as the remainder of transitioned requests from the November 2016 to mid-February 2017 staffing gap. As a result, category 3 and 4 request processing timelines are being reduced accordingly.

As a result of Police Records division staff departures which occurred in the first half of 2017, response times for category 2 Police records requests increased by about 1.5 days, despite a 20% decrease in the number of requests received in this reporting period. However, those responses are still well within the targets at an average of 3.5 business days. Furthermore, response times for category 4 Police records requests increased by nearly 30 days with the same 20% decrease in overall requests received. The Police Support Associate Supervisor position was filled in early December and a second recruitment for the recently reclassified Police Public Disclosure Analyst position, which requires passing a detailed background check process, is underway. Once both positions are again filled, it is expected that Police record response times will decrease accordingly.

Citywide public records training was conducted during the fourth quarter of 2017 and has received overwhelmingly positive feedback. The training has been recorded and is posted on **the City's internal website (Kirknet)** for new staff and reference. It is anticipated that the **training will enhance the City's Public Records** process, increase customer service and customer confidence in the City's ability to efficiently respond to public records requests in accordance with state law.

Although the issues outlined above should improve our ongoing response times if this trend stabilizes, impacts **from the legislature's reporting requirements** referenced under "**Legislative Impacts**" may slightly offset those factors. The Public Disclosure Steering Committee has concluded that additional resources for public disclosure in 2018 are not necessary. Response times and resource needs will be carefully monitored over the next reporting period.

## RELATED UPDATES

**Development of standardized email retention rules and citywide training on the new "archive folders" is effectively complete.** This, along with the indexing by the Commvault archiving system, will facilitate responses to requests for city email.

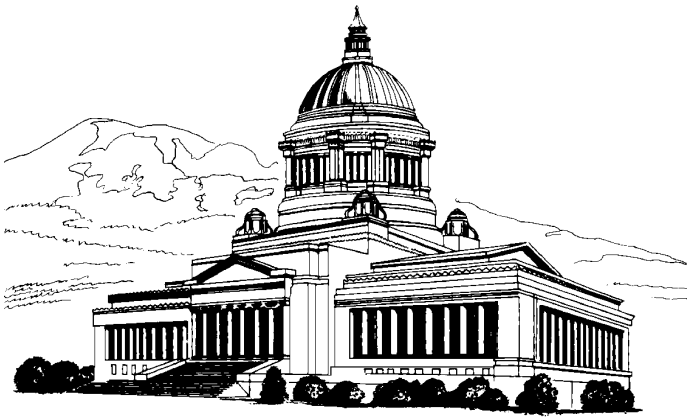
The City Council approved \$100,000 for a new Public Records Contingency Fund at their November 8, 2017 meeting. As mentioned above, the Public Disclosure Steering Team will continue to assess the needs of the public records program as the year progresses.

The City is supportive of legislative adjustments to some of the requested metrics (highlighted in Appendix A) to resolve a lack of clarity and uniformity in how agencies might collect the data. In current form, those results may be of questionable value and subjective when weighed against the amount of time and effort required to produce the information.

<p><i>These numbers represent data collected from July 23, 2017 (date HB 1594 was signed into law) through December 31, 2017. This timeframe of metrics is due to the Joint Legislative Audit and Review Committee by July 1, 2018.</i></p>			
State Mandated Reporting Requirements	Captured Responsive Data	Software does not capture this metric (complex data fields)	Software captures this metric but lacks capability to report (complex data fields)
1. An identification of leading practices and processes for records management and retention, including technological upgrades, and what percentage of those leading practices and processes were implemented by the agency.		X	
2. The average length of time taken to acknowledge receipt of a public records request.	2.42 Cal Days .18 Business Days (2h15m)		
3. The proportion of requests where the agency provided the requested records within five days of receipt of the request compared to the proportion of requests where the agency provided an estimate of an anticipated response time beyond five days of receipt of the request.	Yes – 19% No – 81%		
4. A comparison of the agency's average initial estimate provided for full disclosure of responsive records with the actual time when all responsive records were fully disclosed, including whether the agency sent subsequent estimates of an anticipated response time.			X
5. The number of requests where the agency formally sought additional clarification from the requestor.	7.80%		
6. The number of requests denied and the most common reasons for denying requests.	5.6% 42.56.240(1) RCW		
7. The number of requests abandoned by requestors.	5.10%		
8. To the extent the information is known by the agency, requests by type of requestor, including individuals, law firms, organizations, insurers, governments, incarcerated persons, the media, anonymous requestors, current or former employees, and others.	Not Specified: 1088 Attorney: 69 Current/Former Employee: 3 For Profit Business: 69 Gov't Agency: 32 Individual: 276 Inmate: 8 Insurers: 28 Media: 7 Non Profits: 2 Other: 3 Union: 1 Unknown: 26		

State Mandated Reporting Requirements	Captured Responsive Data	Software does not capture this metric (complex data fields)	Software captures this metric but lacks capability to report (complex data fields)
9. Which portion of requests were fulfilled electronically compared to requests fulfilled by physical records.			X
10. The number of requests where the agency was required to scan physical records electronically to fulfill disclosure.			X
11. The estimated agency staff time spent on each individual request.	~33 min/request		
12. The estimated costs incurred by the agency in fulfilling records requests, including costs for staff compensation and legal review, and a measure of the average cost per request.		X	
13. The number of claims filed alleging a violation of chapter 42.56 RCW or other public records statutes in the past year involving the agency, categorized by type and exemption at issue, if applicable.		X	
14. The costs incurred by the agency litigating claims alleging a violation of chapter 42.56 RCW or other public records statutes in the past year, including any penalties imposed on the agency.		X	
15. The costs incurred by the agency with managing and retaining records, including staff compensation and purchases of equipment, hardware, software, and services to manage and retain public records or otherwise assist in the fulfillment of public records requests.		X	
16. Expenses recovered by the agency from requestors for fulfilling public records requests, including any customized service charges.	~\$0.28/request		
17. Measures of requestor satisfaction with agency responses, communication, and processes relating to the fulfillment of public records requests.		X	





# Public Records Data Reporting

Last updated: November 17, 2017

Guidance for state and local agencies on tracking of public records data and performance metrics for annual reporting

Provided by the Joint Legislative Audit and Review Committee

## INTRODUCTION

In 2017 the state Legislature directed certain state and local agencies to report annually on performance metrics related to public records retention, management, and disclosure. The Joint Legislative Audit and Review Committee (JLARC) is responsible for providing a method for reporting, and for establishing standardized metrics for these reporting requirements.

Pursuant to this legislative directive, JLARC, in consultation with state and local agencies has created guidance for agencies to follow when reporting their public records data. JLARC is providing this comprehensive handbook to be used by the public records professionals and others in state and local agencies who will be responsible for documenting the information that is submitted to JLARC annually.

The handbook is separated into two main parts: Chapter 1 covers the guidance to agency public records professionals when developing and maintaining their systems to collect the data necessary to comply with reporting requirements. Chapter 2, which is not yet developed, will provide detailed guidance on how to submit the data through JLARC's data collection system. That system is currently being procured. Once it is in place and fully configured, detailed instructions on its use will be provided. This information is expected to be available in the spring of 2018.

### WHICH AGENCIES ARE REQUIRED TO REPORT?

Each state and local agency with at least \$100,000 of staff and legal costs associated with fulfilling public records requests in the preceding fiscal year is **required** to report; state and local agencies that spent less than \$100,000 **may voluntarily** submit reports. [See ESHB 1594, Sec. 6(5)]

#### *What is an "agency"*

According to the Public Records Act (PRA), "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency. [RCW 42.56.010(1)]

In most cases, it is clear whether an organization is considered an "agency" for the purposes of the PRA. In some cases, however, it may be less apparent. For example, each city is considered a separate agency. However, a county may be comprised of several "agencies" as each separately elected official may control an independent department that would qualify as an agency. In that case each of the separate county agencies would make its own determination about whether it meets the \$100,000 threshold for required reporting.

#### *How to determine whether an agency meets the \$100,000 threshold*

In order to determine whether an agency meets the \$100,000 spending threshold, the agency should consider the following cost components:

- **Public Records Staff Compensation.** This typically includes Public Records Officers (PROs) and other staff whose duties as set forth in their job description specifically

## INTRODUCTION

include responding to public records requests. Costs should include the base wages and benefits per FTE, based on the percent of their time spent on public records requests. Once a total amount for base wages and benefits is identified, an assumed overhead rate should be applied to generate a total staff compensation cost.

- **Staff compensation for staff for whom responding to public records is not a primary duty.** It is important to capture an estimate of the cost attributable to other staff who participate in identifying records for disclosure. In most organizations today, properly assisting in the response to records requests is a responsibility shared by most staff, not just the public records officers. Agencies that have not kept detailed timekeeping for staff for whom public records is not a primary duty should use a reasonable estimating methodology to establish a cost estimate for this work. For example, a random sampling of public records requests could be selected for detailed timekeeping and the resulting information then could be used to extrapolate. As with the staff compensation above, these costs should include base wages, benefits and an assumed overhead rate.
- **Legal costs associated with responding to public records.** This includes the costs incurred through the use of outside counsel or in-house chargebacks to advise on exemptions, review responses, etc. Costs incurred in responding to litigation do not need to be included in determining whether the agency has met the \$100,000 reporting threshold. (If the agency is reporting, however, that data will be needed to respond to one of the performance metrics.)

In an effort to make it easier for agencies to complete this reporting threshold analysis, JLARC has prepared a simple excel-based calculation worksheet. [[COST ESTIMATION WORKSHEET – THRESHOLD ONLY](#)] Use of this worksheet is completely discretionary and is provided only as a tool. This is for your agency's internal use only. *NOTE: Agencies are NOT REQUIRED to use this worksheet nor are they required to submit the calculations they use to determine whether they meet the \$100,000 threshold. Agencies will only be required to attest that they have completed an analysis of their costs and they do, or do not, meet the \$100,000 reporting threshold.*

### ALL AGENCIES WILL BE REQUIRED TO SUBMIT AN ATTESTATION

**All agencies must submit to JLARC an attestation that:**

- The agency has conducted a reasonable assessment of their public records-related expenditure.
- Based on that assessment the agency has determined either
  - The agency did not spend more than \$100,000 responding to public records requests in the past fiscal year and, therefore, the agency is not subject to the annual reporting requirement for this reporting period.
  - The agency did not spend more than \$100,000 responding to public records requests in the past fiscal year, however the agency will voluntarily submit a report.

## INTRODUCTION

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- The agency did spend \$100,000 responding to public records requests in the past fiscal year and will submit a report.

Agencies will be able to submit this attestation via the reporting system once it is in place. Alternate methods of submitting an attestation for those agencies that will not be reporting may also be made available after the end of the initial reporting period (December 31, 2017.)

### **DATA QUALITY IS THE RESPONSIBILITY OF EACH REPORTING AGENCY**

JLARC will be collecting the data reported, and providing a method for the public and the legislature to view and analyze the data. JLARC will not, however, be auditing the accuracy of the data submitted. Each agency is ultimately responsible for the accuracy and completeness of its annual reported data. It is therefore essential for agencies to take steps to ensure they are adequately tracking all of the information necessary to complete the annual report sections detailed below. Agencies that use a tracking or case management system for this purpose are responsible for ensuring the system they are using can produce accurate data that is in compliance with the law and this guidance. Accordingly, agencies should exercise due diligence in testing the systems they are using to produce the data for reporting and correct any identified deficiencies.

### **PROCESS FOR ANNUAL REPORT COMPLETION**

The annual reporting period will be based on a calendar year. For this initial reporting period, the data to be reported by July 1, 2018 will cover the period July 23, 2017 (the date the legislation went into effect) to December 31, 2017. Reports submitted in future years will be for the entire prior calendar year. Because JLARC guidance was not published until mid-November, JLARC recognizes that many agencies did not collect data in a manner consistent with these guidelines. With that said, agencies should make a good faith effort to provide the best quality data available.

JLARC expects that there will be many insights gained from the initial reporting cycle that can be used to improve the guidance in the future.

As noted above, JLARC is currently defining and procuring a data collection system. Once that system is in place, additional guidance will be provided to explain how and when to submit your data.



## CHAPTER 1 – GUIDANCE FOR TRACKING DATA

State law requires some state and local agencies to report on numerous performance metrics regarding their administration of the public records act each year. The successful production of each agency's data depends on the agency's ability to properly track the data. This chapter is designed to provide assistance to public records professionals and others assisting with this effort to collect data in a standardized way.

### GENERAL GUIDANCE

**Each agency will submit a single report:** To ensure data is submitted in a consistent way, and to avoid duplication or confusion, only one report will be accepted for each agency. Although the reporting system is expected to be designed to accommodate edits or corrections to be made to a submitted report, multiple reports for the same agency will not be accepted. Each agency should identify a single individual to be responsible for that task.

**Data Quality:** All agencies should take adequate steps to ensure that the information regarding the number of public records requests, their status and dispositions, as well as the time spent processing them is accurate so as to provide a meaningful report of such activities.

**Calculating Number of Days:** For the purposes of calculating the number of days for the report, the day the request is received is considered "day 0." Agencies should only count working/business days in their calculation on the five-day response, and should use calendar days for all other calculations involving dates.

**Less than One Day:** When an agency is calculating the number of days it takes to respond to a request, the day after the request is received is considered "day 1" of the statutory response period. If an agency receives, processes, and responds to a request all on the same day, the time it takes to do so constitutes less than one day (<1), but it is not zero days. When calculating average days, agencies should treat <1 as a value of 1.

### SPECIFIC GUIDANCE

The new law specifies public records performance metrics that agencies are required to report on. Most metrics require two or more data points in order to calculate a total (such as staff and legal costs) or to calculate an average. The guidance below will provide the metric being measured. The specific data points needed to respond to the metric are identified and additional guidance or clarifying information is also provided as appropriate.

## CHAPTER 1 – GUIDANCE FOR TRACKING DATA

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### AGENCY INFORMATION AND BASELINE DATA

Your agency will be asked to provide basic identifying information.

- Agency Name
- Agency Type (city, county, special district, school district, etc.)
- Name, title, and contact information of the individual responsible for Public Records Data reporting
- Alternate contact (in the event JLARC has to contact the agency and the primary reporting individual is unavailable.)
- Attestation that the agency has evaluated their staff and legal costs and has determined that they are or are not required to submit an annual report.

For those agencies that are required to submit a report, or will be submitting a report voluntarily, the following additional baseline data will be required. The baseline data will be used by the reporting system to automate some of the calculations included in the reporting tool. By automating calculations where possible, JLARC hopes to reduce the burden on agencies and avoid calculation errors.

- Total number of open public records requests at the start of the reporting period
- Total number of public records requests received during the reporting period
- Total number of public records requests closed during the reporting period

## CHAPTER 1 – GUIDANCE FOR TRACKING DATA

- **METRIC 1: Leading practices and processes for records management and retention implemented, including technological upgrades**  
*[ESHB 1594, Sec. 6(5)(a)]*

JLARC is gathering information on leading practices being used in agencies to improve the quality and efficiency of records management and retention. Information provided by agencies in the 2018 reporting cycle will help establish a baseline for future reporting. Please indicate what, if any, leading practices your agency uses in the following areas:

- **Responsibility Assigned** – A single individual in the agency has been assigned overall responsibility for overseeing the management and retention of records.
- **Policies and Procedures Exist** – The agency has written policies and procedures for managing and retaining records.
- **Tools Available** – The agency has tools for managing, retaining and searching records.
- **Staff Trained** – The agency staff have received training on how to manage and retain their records.
- **Retention Requirements Understood** – The agency knows how long each type of record needs to be retained.
- **Records are Inventoried** – The agency knows what records they have, where they are and what formats they are in.
- **Records are Organized** – The agency keeps records organized to help with access, security and destruction / transfer.
- **Records are Kept for Required Time Periods** – The agency keeps records for the minimum retention period in the approved records retention schedules.
- **Records are Destroyed / Transferred** – The agency destroys “non-archival” records and transfers “archival” records to Washington State Archives at the end of minimum retention period.
- **Disaster Preparedness** – The agency has plans and backups of records needed to resume critical operations in the event of a disaster.
- **Other** – If your agency is implementing a records management practice that you believe is a leading practice but is not included in the list above, please describe below. *[Your response is limited to 250 characters.]*

NOTE: JLARC is continuing to work with the Secretary of State’s Office to develop further definition around these leading practices.

## CHAPTER 1 – GUIDANCE FOR TRACKING DATA

- **METRIC 2: Average time to respond to a public records request**  
*[ESHB 1594, Sec. 6(5)(b)]*

**This metric is asking for the average number of days it took your agency to respond to public records requests pursuant to RCW 42.56.520 received during the reporting period.**

To respond to this metric an agency will need the following:

- Total number of requests received during the reporting period (this information will be provided with the baseline data.)
- Total number of days it took to respond to each request. All of these should be added together to calculate the total number of days it took the agency to respond to all requests.
- The reporting system will automatically calculate the average time to respond based on the information provided.

**Example:** if an agency received 10 requests, three were responded to the same day received (counted as 1), five were responded to on Day 3, and two were responded to on Day 5:

$$3 \times <1 \text{ day} = 3$$

$$5 \times 3 \text{ days} = 15$$

$$\underline{2 \times 5 \text{ days} = 10}$$

$$\text{Total} = 28$$

28 total days divided by 10 requests = 2.8 days on average to respond to a public records request.

- For purposes of responding to this metric, the term “respond” is used consistent with RCW 42.56.520. That statute requires that within five days of receiving a public record request an agency must respond in one of five ways:
  1. Provide the record;
  2. Provide an internet address and link (or provide copies or a way to view copies);
  3. Acknowledge the request and provide a reasonable estimate of the time it will require to respond;
  4. Acknowledge the request and request clarification; or
  5. Deny the request.
- Some agencies have not tracked the number of days between the date the request is received and the date of the agency’s response, choosing instead to track only that a



## CHAPTER 1 – GUIDANCE FOR TRACKING DATA

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five-day response was sent out within the appropriate time. If your agency does not currently track the date the five-day response is sent out, please indicate that and provide the total number of requests for which a five-day acknowledgment letter was sent out after the five-day period expired.

- “Received” means being received within standard business hours. (Typically, standard business days are Monday through Friday, excluding holidays, and standard business hours are 8:00 a.m. to 5:00 p.m. An individual agency’s standard business hours may differ.)

## CHAPTER 1 – GUIDANCE FOR TRACKING DATA

- **METRIC 3: Percent of requests completed within five days of receipt and the percent of requests where an estimated response time beyond five days is provided**  
*[ESHB 1594, Sec. 6(5)(c)]*

To respond to this metric, agencies will need to provide the following data:

- Total number of public records requests received during the reporting period. (This data is provided in the baseline data.)
- Number of public records requests received during the reporting period that were closed within five days of receipt of the request. (For example, requested records were provided in full to the requester, a link was provided to the specific records requested, or the request was denied in full based on an exemption.)
- Number of public records requests received during the reporting period for which the requester was provided an estimate of anticipated response time beyond five days of receipt of the request.
- Number of public records requests fulfilled within five days of receipt of request, but the requester did not provide sufficient information (address, email, phone, etc.) to transmit the requested records.
- The reporting system will automatically calculate the average time to respond based on the information provided.
- For the purpose of responding to this question, “closed” means that all the public records requested were either:
  - delivered to the requester in person, postmarked, or otherwise **sent** out by the agency;
  - made available upon payment;
  - made available for on-site review;
  - made available for pickup;
  - the requester was sent a response informing the requester the agency has no responsive records or the records requested are exempt from disclosure.

Note: If the requested records were sent by private or public delivery service (e.g., US Postal Service, FedEx, etc.) they may be **received** by the requester outside the five-day period. In-transit days should not be included in this calculation.

- “Closed” does NOT include requests that were provided an estimated response time (beyond the five days) or requests that required clarification (unless, once clarified, they were completed/closed within five days.)

## CHAPTER 1 – GUIDANCE FOR TRACKING DATA

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- ▶ **Metric 4: Average number of days from receipt of request to the date of final disposition of request.**

**To respond to this metric, agencies will need to provide the following data:**

- The total number of requests for which there was a final disposition during the reporting period.
- For each request for which there was a final disposition during the reporting period, the number of days between the date the request is received and the date of final disposition for each request. This metric can be derived from data maintained in an agency's Public Records Requests log. ESHB 1594, Sec. 6(4) requires that public agencies must maintain a log that tracks, among other data, the date each request is received and the date of final disposition of each request.
- These should be added together to calculate a total number of days to final disposition.
- For purposes of this metric, the "date of final disposition" is considered the same as the date the request is closed. If you choose to calculate the data required for this metric using a source other than the Public Records Request log, please calculate the number of days between the date the request is received and the date the request is closed. (See Metric 3 for a more detailed definition of the term "closed.")
- The reporting system will calculate an average number of days to final disposition based on these two data points. (Number of days to final disposition ÷ Number of requests = Average number of days to final disposition.)

## CHAPTER 1 – GUIDANCE FOR TRACKING DATA

- ▶ **METRIC 5: Average time *estimate* provided for full disclosure as compared to average *actual* time to provide full disclosure**  
*[ESHB 1594, Sec. 6(5)(d)]*

To respond to this metric an agency will need to provide the following information:

- Number of public records requests where the agency’s initial response provided an **estimate of when full disclosure** of the responsive records would be provided. Of this subset of public records requests, also provide:
  - Average time ***estimate*** provided for full disclosure
  - Average ***actual*** time taken to provide full disclosure.
- Please include in the count **only** those that received an estimate of when **full disclosure** would be provided. Do NOT include in this count requests that were closed within five days of receiving the request or those requests that received an estimate of when the first installment would be made.
- To determine the average initial estimated time provided to the requester, add together the initial estimated time for full disclosure provided for each request. Divide that figure by the number of requests where an initial estimate of time for full disclosure was provided. The result will be the average initial estimated time for full disclosure. Follow the same approach for determining the average actual time taken to provide full disclosure. For example:

Request	Estimated Time to Full Disclosure (in days)	Actual Time to Full Disclosure (in days)
1	10	6
2	10	8
3	21	22
4	21	20
5	21	21
6	21	15
7	21	18
8	30	30
9	30	30
10	30	30
<b>TOTAL</b>	<b>215</b>	<b>200</b>

In this example, the average estimated time to full disclosure would be 21.5 days (215 total days ÷ 10 requests) and the actual time to full disclosure would be 20 days (200 total days ÷ 10)



## CHAPTER 1 – GUIDANCE FOR TRACKING DATA

- ▶ **METRIC 6: Total number of public records requests for which the agency formally sought additional clarification from the requester**  
*[ESHB 1594, Sec. 6(5)(e)]*

**To respond to this metric an agency will be asked to provide the number of requests for which the agency formally sought additional clarification from the requester.**

- For the purposes of responding to this metric, include in your count only those requests where, without further guidance from the requester, you would not be able to fulfill the request in part or in full.
  - In some cases, one portion of a request may be clear and the agency proceeds to fulfill it. But another portion may require clarification before the agency can proceed. Requests like these should be included in the count because the agency cannot fulfill some portion of the request without further clarification.
- The count provided for this metric should include any request for which the agency formally sought additional clarification made during the reporting period, regardless of when the request was received.
- When a request is received that is unclear, some agencies will communicate to the requester that the agency is interpreting the request to mean a certain thing and is fulfilling the request based on that interpretation. If that interpretation is inaccurate or incomplete, the requester is asked to clarify. In an event such as this, if the agency continues to attempt to fulfill the request based on the assumed interpretation it should not be included.
- In most cases, “formal” request for clarification will be a written communication (e.g., email or letter.) There may be some cases where formal clarification will be documented in some other way. For example, if a requester provided only a phone number (no email address or physical address), the request may be made orally and documented in a log. In such cases please include in the count for this metric.

## CHAPTER 1 – GUIDANCE FOR TRACKING DATA

- ▶ **METRIC 7: Total number of requests denied and the most common reasons for denying requests**  
*[ESHB 1594, Sec. 6(5)(f)]*

**To respond to this metric, agencies will be asked to provide two numbers:**

- Number of requests closed in the reporting period that were denied in full
- Number of requests closed in the reporting period that were denied in part and/or where records provided included one or more redactions

**In addition, agencies will be asked to provide the agencies' five to 10 most common reasons for denying requests during the reporting period.**

- For the purpose of responding to this metric “denied in full” means there are responsive records but all records are withheld.
- “Denied in part” means that one or more responsive records are provided to the requester, but one or more records are withheld.
- “Where records provided included one or more redactions” means that records were provided but were redacted.
- Please do not count each individual redaction as a separate denial. If the responsive records being provided to the requester include one or more redactions, please simply count that as one request.
- Do not include requests where there were no responsive records.
- There are multiple reasons for denying a request in full. Some reasons for denials in full might include:
  - A categorical exemption applies
  - The agency is prevented from disclosing records because of a court injunction
  - The request was determined to be a “bot” request

## CHAPTER 1 – GUIDANCE FOR TRACKING DATA

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- ▶ **METRIC 8: Total number of requests abandoned by requesters**  
*[ESHB 1594, Sec. 6(5)(g)]*

**To respond to this metric, agencies will be asked to provide the total number of requests abandoned by requesters during the reporting period.**

Examples of when a request may be considered abandoned include:

- The requester explicitly withdraws the request at any time during the fulfillment of the request.
- The requester fails to claim or review the records or an installment in a timely way.
- The requester fails to pay for requested files.
- The requester fails to respond to a request for clarification in a timely way.
- The requester does not timely provide a signed declaration that a list of individuals, as requested, will not be used for a commercial purpose. (See RCW 42.56.070, Sec. 8)

For purposes of responding to this metric, a request may be considered abandoned at any appropriate time, up to the time when full disclosure would have been provided had not one of the examples above occurred.

## CHAPTER 1 – GUIDANCE FOR TRACKING DATA

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► **METRIC 9: Total number of requests, by type of requester**  
*[ESHB 1594, Sec. 6(5)(h)]*

**To respond to this metric, agencies will be asked to indicate the number of requests received by type of requester, to the extent known by the agency.**

- The reporting system will require a breakdown of the number of requests by the following requester types:
  - Individuals
  - Law firms
  - Organizations
  - Insurers
  - Governments
  - Incarcerated persons
  - Media
  - Current or former employees
  - No information or insufficient information provided
  - Other
- Agencies should only include data that is provided by the requester voluntarily, without prompting. Agencies should not query requesters about who they are or whether they represent any type of organization in order to respond to this metric.

The JLARC system is expected to include a validation edit to ensure that the number of claims identified on this chart match the total number of requests received identified in the baseline data and will alert the reporter if there is an inconsistency.



## CHAPTER 1 – GUIDANCE FOR TRACKING DATA

- ▶ **METRIC 10: Percent of requests fulfilled electronically compared to the percent of requests fulfilled by physical records**  
*[ESHB 1594, Sec. 6(5)(i)]*

**For the public records requests closed in the reporting period, an agency will need to provide five data points:**

- Total number of requests closed in the reporting period (provided in the baseline data)
- Total number of requests **fulfilled entirely by electronic means** (includes, but is not limited to, email, memory sticks, CDs, file transfer sites, links to on-line documents, etc.)
- Total number of requests **fulfilled entirely by providing physical records**
- Total number of requests **fulfilled by a combination** of electronic means and physical records
- Total number of requests closed where there were no responsive records or the request was closed for some other reason without being fulfilled.

A request is “fulfilled” when an agency makes the records available for inspection, pick-up, or delivery by some other means upon payment. If a requester abandons a request by not coming to inspect or paying for the records, the request is still considered fulfilled for purposes of this metric.

Agencies will only need to provide totals. The JLARC system will be designed to calculate the percentages automatically.

Note: When totaled, these last four data points should equal the “total number of requests closed during the reporting period” provided in the baseline data. The JLARC system is expected to provide a flag if these numbers do not match to alert the reporter that there is an inconsistency.

Requests that are fulfilled by inspection of records should be included in the categories listed, based on how they are provided for inspection. For example:

- Paper records that are provided for inspection would be included in the “total number of requests fulfilled entirely by providing physical records.”
- If the requester asks that some of these paper records be scanned in and produced **by the agency** after inspection is complete, count the request as “fulfilled by a combination of electronic means and physical records.”
- However, if paper records are produced for inspection, and **the requester** photographs or scans the document into their personal scanner, count the request as “fulfilled entirely by providing physical records.”

## CHAPTER 1 – GUIDANCE FOR TRACKING DATA

- ▶ **METRIC 11: Total number of requests where one or more physical records were scanned to create an electronic version to fulfill disclosure**  
*[ESHB 1594, Sec. 6(5)(j)]*

To respond to this metric, an agency will need to provide the number of requests closed that involved the scanning of one or more physical records to create an electronic version in order to fulfill the disclosure request.

- In calculating a total, the reason for scanning does not matter. The total number reported for this metric should include both:
  - the number of requests where documents were scanned because the requester **required** the records in an electronic format, and
  - the number of requests where the agency scanned the documents because production of the electronic version is **preferred** either by the agency or the requester.
- In responding to this question, please include the **total number of requests** that involved document scanning, **not the number of documents scanned**. For example, if Agency A received a single request in the reporting period that asked for 10 one-page documents that are currently retained by the agency in paper form, and the agency scanned those 10 pages to provide to the requester, the response to this question would be “1”, not “10”.
- This metric focuses only on instances when a paper document is scanned to create an electronic version of the document (e.g., a PDF). It does NOT include electronic records that are **converted** to another electronic format. (For example, converting an email to a PDF document.)

## CHAPTER 1 – GUIDANCE FOR TRACKING DATA

► **METRIC 12: Average estimated staff time spent on each public records request**  
*[ESHB 1594, Sec. 6(5)(k)]*

To respond to the metric an agency will only need to provide the total estimated amount of agency staff time spent on public disclosure requests. The JLARC system is expected to be able to automatically derive an average staff time per request based on the data reported using the time data provided here, and the total number of requests provided in the baseline data (open requests at the start of the reporting period plus the number of requests received during the reporting period.)

- Responses should include a single total estimate of staff time for all agency staff. The total estimate should include both:
  - staff who are designated to respond to public records requests (Public Records Officers and other staff whose primary job duties as set forth in their job description specifically includes responding to public records requests) AND
  - staff for whom responding to public records requests is not one of their primary job duties in their job description (e.g., business staff, line staff, managers, supervisors, administrative staff, etc.).
- Please note agencies will not be required to submit subtotals by staff type. Agencies will only be required to submit a total estimate of staff time. The distinction between staff type is made in this guidance to ensure agencies understand that time associated with both types of staff must be included in the total estimated time reported.
- Some agencies maintain detailed timekeeping of staff time associated with public records related work. Other agencies do not currently have timekeeping systems in place and will need to estimate the amount of staff time spent on responding to public records requests. There are many ways of estimating staff time and JLARC does not require a specific method.
- **Example:**
  - Agency A has three staff assigned to work half-time on public records requests. Each of the three staff are estimated to have spent 800 hours on public records during the reporting period, for a total of 2,400 hours estimated designated staff time.
  - During the reporting period 50 non-designated staff members spent 500 total estimated hours of non-designated staff time.
  - Total estimated staff time for Agency A for the reporting period was 2,900 hours (2,400 hours of designated staff time plus 500 hours of non-designated staff time).

## CHAPTER 1 – GUIDANCE FOR TRACKING DATA

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- The JLARC system will derive an average of staff time spent per request by using the total estimated staff time, and dividing by the number of requests from the baseline data (number of open requests at start of reporting period plus number of requests received during the reporting period.)
- The examples above show two possible ways of estimating staff time per request. Your agency may use alternative methods of estimating staff time. Care should be taken to develop time estimates that are as accurate as possible. If your agency does not maintain a timekeeping system that captures this information, your agency may want to consider using estimating techniques to develop this data. For example, your agency may conduct detailed timekeeping on a sample of records requests and use the results to estimate across all requests.
- Time estimates should include time spent responding to requests and time spent on public records litigation.
- Time associated with invoicing and collection should be included here.



## CHAPTER 1 – GUIDANCE FOR TRACKING DATA

- ▶ **METRIC 13: Estimated total costs incurred by the agency in fulfilling records requests, including staff compensation and legal review and average cost per request [ESHB 1594, Sec. 6(5)(I)]**

**To respond to this metric an agency will need to provide the agency’s total estimated costs incurred in fulfilling public records requests during the reporting period for staff compensation, legal review and supplies and services.**

- Please provide the total costs only. The JLARC system will be designed to generate the average cost per request, using the cost data provided here and the baseline data provided previously (total open requests at start of the reporting period, plus the number of requests received during the reporting period.)
- Please provide the total estimated costs for staff compensation, legal review, and any supplies or services procured for the purpose of responding to public records requests during the reporting period. If your agency does not currently maintain detailed data on staff time and costs associated with public records you may use reasonable estimating techniques to determine the amount of time (captured in Metric 12) and the associated cost of that staff time. Care should be taken to develop cost estimates that are as accurate as possible.
- Supplies and services may include items such as External services (e.g., printing services, large format printing), mailing costs, supplies (CDs, DVDs, USB sticks, etc.), recurring software licensing, and other professional services (non-litigation related).
- A worksheet is available to help you determine these costs for reporting purposes. [\[PUBLIC RECORDS COST ESTIMATION WORKSHEET\]](#) **You are not required use or to submit the estimation worksheet.** It is provided solely as a tool to use at your agency’s discretion. Agencies using this worksheet should include in the total cost reported here the sum of:
  - Agency staff costs (cell C6)
  - Legal costs – non-litigation (cell C7) and
  - Supplies and services
- Costs of staff time associated with invoicing and collection should be included.
- Do NOT include costs associated with public records requests litigation as these costs will be captured separately in Metric 15.

## CHAPTER 1 – GUIDANCE FOR TRACKING DATA

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- ▶ **METRIC 14: Total number of claims filed alleging a violation of Chapter 42.56 or other public records statutes during the reporting period, categorized by type and exemption at issue (if applicable)**  
*[ESHB 1594, Sec. 6(5)(m)]*

To respond to this metric, an agency will need to provide the number of claims filed in court during the reporting period that allege a violation of chapter 42.56 RCW or other public records statutes in the reporting period involving the agency, categorized by type and exemption at issue.

- A **claim type** may include claims such as the agency did not provide a timely response, the agency failed to complete a thorough search, failure to produce an exemption log, unreasonable charges, etc.
- An **exemption** refers to a statutory exemption. A list of statutory exemptions to the public records act is provided by the Washington Code Reviser. [\[Link to Code Reviser's List of Statutory Exemptions.\]](#)
- Claims should only be included if they were filed during the reporting period. Do not include on-going claims that were opened prior to the reporting period.
- Claims that are filed and subsequently withdrawn should be included in this number.

## CHAPTER 1 – GUIDANCE FOR TRACKING DATA

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- ▶ **METRIC 15: Total costs incurred by the agency litigating claims alleging a violation of Chapter 42.56 RCW or other public records statutes during the reporting period, including any penalties imposed on the agency**  
*[ESHB 1594, Sec. 6(5)(n)]*

**To respond to this metric, an agency will need to provide the total costs incurred in the reporting period litigating claims alleging a violation of chapter 42.56 RCW or other public records statutes, including any penalties imposed on the agency.**

- Costs may include:
  - Estimated costs of agency staff time incurred while responding to litigation (e.g. responding to discovery, participating in depositions, attending mediation)
  - Attorney fees for agency attorney
  - Other costs for agency representation (e.g. costs associated with production of documents, purchasing deposition transcripts)
  - Settlement amounts
  - Total penalties awarded by Court
  - Attorney fees (for requester’s attorney) awarded by Court
  - Costs (for requester’s litigation) awarded by Court
- Include only those costs incurred after a claim has been filed in court.

## CHAPTER 1 – GUIDANCE FOR TRACKING DATA

- ▶ **METRIC 16: Estimated costs incurred by the agency with managing and retaining records, including staff compensation and purchases of equipment, hardware, software, and services to manage and retain public records or otherwise assist in the fulfillment of public records requests**  
*[ESHB 1594, Sec. 6(5)(o)]*

To respond to this metric, an agency will need to provide estimated costs associated with managing and retaining records.

- Costs should be broken down into four categories as follows:
  - Cost of agency staff whose primary/major component of their duties involves the managing/retaining of records (such as records officers/managers, data custodians, etc.);
  - Costs associated with the purchase, lease and maintenance of agency systems whose primary/major function involves the managing/retaining of records (such as enterprise content managements (ECM) systems, email storage/vaulting systems, social media capture tools, recording systems, etc.);
  - Costs associated with services purchased in relation to managing/retaining records (such as hosted/software as a service (SaaS) services, Public Records Efficiency, Preservation, and access central services charges for state agencies, records destruction services, etc.);
  - Costs associated with systems/services whose primary/major function involves the fulfillment of public records requests (such as records request tracking systems, redaction software, etc.).
- For purposes of responding to this metric, please include costs associated with systems **specifically or predominantly** designed to assist with managing and retaining records.
- Staff costs should include base wages plus benefits, plus the agency's overhead, calculated for the portion of time they spend on relevant activities.
  - **Example:** Staff Member A is designated as the agency's Records Manager and Public Records Officer, and is compensated at \$100,000 per year inclusive of base wages and benefits.
  - The agency's overhead rate is 35%, bringing the total full-time cost of Staff Member A to \$135,000.
  - If Staff Member A devotes 50% of her time to Records Management activities during the period of this report, the cost would be reported as \$67,500 ( $\$135,000 \times .5$ ). The remaining 50% of Staff Member A's time is devoted to responding to public records requests. That time is not calculated in here, but instead is reflected in Metric 12.)



## CHAPTER 1 – GUIDANCE FOR TRACKING DATA

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- System costs may include the costs incurred during the reporting period on the purchase or lease, and maintenance of hardware, software, software licenses, vendor staffing for implementation and servicing relevant systems.
- Service costs may include payments made to third-party vendors during the reporting period for records management and retention services.

## CHAPTER 1 – GUIDANCE FOR TRACKING DATA

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- ▶ **METRIC 17: Total expenses recovered by the agency from requesters for fulfilling public records requests, including any customized charges**  
*[ESHB 1594, Sec. 6(5)(p)]*

### To respond to this metric, agencies will need to provide:

- Total amount of expenses recovered during the reporting period from requesters for fulfilling public records requests.
- Of the recovered expenses reported, total expenses recovered through customized service charges used during the reporting period.
- Agencies will also need to describe customized service charges implemented.
- Examples of expenses that may be recovered include:
  - Physical copies (e.g., photocopies or printed copies *See RCW 42.56.120 (2)(b)(i)*)
  - Scanned copies (*See RCW 42.56.120 (2)(b)(ii)*)
  - Electronic files or other on-line delivery (*See RCW 42.56.120 (2)(b)(iii)*)
  - Transmission using agency equipment to send electronically (*See RCW 42.56.120 (2)(b)(iv)*)
  - Digital storage media, including delivery (*See RCW 42.56.120 (2)(b)(v)*)
  - Flat fee charged by agency (*See RCW 42.56.120 (2)(d)*)

## CHAPTER 1 – GUIDANCE FOR TRACKING DATA

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- ▶ **METRIC 18: Measures of requester satisfaction with agency responses, communication, and process relating to the fulfillment of public records requests [ESHB 1594, Sec. 6(5)(q)]**

To respond to this metric, an agency will be asked to identify the measures the agency considers to determine customer satisfaction, as well as the methods the agency uses to collect data on those measures.

For example, measures of customer satisfaction might include:

- Timeliness of response
- Completeness of responses
- Customer service attitude
- Others (please describe)

Some methods of collecting data about those measures include:

- Customer satisfaction survey
- Review of complaints received
- Internal appeals filed
- Claims filed
- Other (please describe)

## APPENDIX A – LIST OF PERFORMANCE METRICS

NO.	METRIC	DATA REQUIRED
NA	BASELINE DATA – this information will be used to assist with automatic calculation of some metrics	<ul style="list-style-type: none"> <li>• Total number of open requests at the start of the reporting period</li> <li>• Total number of requests received during the reporting period</li> <li>• Total number of requests closed during the reporting period</li> </ul>
1	Identification of leading practices and processes for records management and retention, including technological upgrades	Leading practices and processes used in the agency
2	Average time to respond to a public records request.	<ul style="list-style-type: none"> <li>• Total number of requests received during the reporting period (see baseline)</li> <li>• Number of business days it took to respond to each request</li> <li>• Total number of business days it took to respond to all requests</li> </ul>
3	Percent of requests completed in five business days of receipt and the percent of requests where an estimated response time beyond five business days is provided	<ul style="list-style-type: none"> <li>• Total number of requests received during the reporting period (see baseline)</li> <li>• Number of public records requests received during the reporting period that were closed within five business days of receipt of the request</li> <li>• Number of public records requests received during the reporting period for which the requester was provided an estimate of anticipated response time beyond five business days of receipt of the request</li> <li>• Number of public records requests fulfilled within five business days of receipt of request, but the requester did not provide sufficient information (address, email, phone, etc.) to transmit the requested records</li> </ul>



## APPENDIX A – LIST OF PERFORMANCE METRICS

NO.	METRIC	DATA REQUIRED
4	Average number of calendar days from receipt of request to final disposition of request	<ul style="list-style-type: none"> <li>• Total number of requests for which there was a final disposition during the reporting period</li> <li>• Number of calendar days between the date the request is received and the date of final disposition for each request.</li> <li>• Total number of days to final disposition for all requests</li> </ul>
5	Average time <i>estimate</i> provided for full disclosure as compared to average <i>actual</i> time to provide full disclosure	<ul style="list-style-type: none"> <li>• Number of public records requests where the agency's initial response included an estimate of when full disclosure of the responsive records would be provided</li> <li>• Of this subset of public records requests,               <ul style="list-style-type: none"> <li>○ Average time <i>estimate</i> in calendar days provided for full disclosure</li> <li>○ Average <i>actual</i> time in calendar take to provide full disclosure</li> </ul> </li> </ul>
6	Total number of public records requests for which the agency formally sought additional clarification from the requester	Number of requests for which the agency formally sought additional clarification from the requester
7	Total number of closed requests denied and the most common reasons for denying requests	<ul style="list-style-type: none"> <li>• Number of closed requests denied in full</li> <li>• Number of closed requests denied in part and/or where records provided included one or more redactions</li> <li>• Five to 10 most common reasons for denying requests closed during the reporting period</li> </ul>
8	Total number of requests abandoned by requesters	Number of requests abandoned by requesters during the reporting period
9	Total number of requests, by type of requester	Number of requests received, by type of requester

## APPENDIX A – LIST OF PERFORMANCE METRICS

NO.	METRIC	DATA REQUIRED
10	Percent of requests fulfilled electronically compared to the percent of requests fulfilled by physical records	<ul style="list-style-type: none"> <li>• Total number of requests closed during the reporting period (provided in baseline data)</li> <li>• Number of requests fulfilled entirely by electronic means</li> <li>• Number of requests fulfilled entirely by providing physical records</li> <li>• Number of requests fulfilled by a combination of electronic means and physical records</li> <li>• Number of requests where there were no responsive records or request was otherwise not fulfilled</li> </ul> <p>(Percentages will be system generated)</p>
11	Total number of requests where one or more physical records was scanned to create an electronic version to fulfill disclosure	Number of requests received that involved the scanning of one or more physical records to create an electronic version in order to fulfill the disclosure request
12	Average estimated staff time spent on each public records request	<p>Total number of open requests and requests received during reporting period (provided in baseline data)</p> <p>Total hours of staff time spent on public disclosure requests</p> <p>(Averages will be system generated)</p>
13	Estimated total costs incurred by the agency in fulfilling records requests, including staff compensation and legal review and average cost per request	<ul style="list-style-type: none"> <li>• Total estimated staff compensation costs</li> <li>• Total estimated legal review costs (excluding litigation costs)</li> </ul>
14	Total number of claims filed alleging a violation of Chapter 42.56 or other public records states during the reporting period, categorized by type and exemption at issue (if applicable)	Total number of claims filed, categorized by type and exemption at issue

## APPENDIX A – LIST OF PERFORMANCE METRICS

NO.	METRIC	DATA REQUIRED
15	Total costs incurred by the agency litigating claims alleging a violation of Chapter 42.56 RCW or other public records statutes during the reporting period, including any penalties imposed on the agency	Total costs incurred by the agency litigating claims during the reporting period
16	Total costs incurred by the agency with managing and retaining records, including staff compensation and purchases of equipment, hardware, software, and services to manage and retain public records or otherwise assist in the fulfillment of public records requests	<ul style="list-style-type: none"> <li>• Estimated staff compensation costs for staff whose duties involve managing and retaining records</li> <li>• Estimated costs associated with the purchase, lease and maintenance of agency systems whose primary/major function involve managing/retaining records</li> <li>• Estimated costs associated with services purchased in relation to managing/retaining records</li> <li>• Estimated costs associated with systems/services whose primary/major function involves fulfillment of public records requests</li> </ul>
17	Total expenses recovered by the agency from requesters for fulfilling public records requests, including any customized charges	<ul style="list-style-type: none"> <li>• Total expenses recovered for fulfilling public records requests</li> <li>• Total expenses recovered through customized charges</li> <li>• Description of the customized charges, if any</li> </ul>
18	Measures of requester satisfaction with agency responses, communication, and process relating to the fulfillment of public records requests	<ul style="list-style-type: none"> <li>• Measures of customer satisfaction</li> <li>• Methods of measuring customer satisfaction</li> </ul>

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If you have questions or would like additional information, please email [JLARCPublicRecordsStudy@leg.wa.gov](mailto:JLARCPublicRecordsStudy@leg.wa.gov) or call us (360) 786-5171.

DRAFT





CITY OF KIRKLAND  
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## MEMORANDUM

To: Kurt Triplett, City Manager

From: Kathi Anderson, City Clerk  
Michael Olson, Director of Finance and Administration

Date: January 9, 2018

Subject: 2018 Board and Commission Interview Committee Selection

### RECOMMENDATION:

That the City Council appoints **three members to this year's Council Board and Commission Interview Selection committee.**

### BACKGROUND DISCUSSION:

Council **adopted Resolution 4911 at their March 6, 2012 meeting which updated Council's** procedures, reduced the maximum number of applicants to be interviewed per vacancy to three, and included the following:

#### Appointment Process:

Upon receipt of applications, the Council will review the applications and reduce the number of applicants for interview to three applicants for each vacancy. For example, if there were two vacancies on a board or commission, the Council would reduce the pool of applicants to be considered to six. In cases where the number of applicants for interview require a reduction from the number that have applied, an ad hoc committee of the Council will be appointed by lot to review and recommend to the entire Council those to be interviewed for each board or commission and those recommended not to be interviewed.

Council further updated their Policies and Procedures with the passage of Resolution 5145 in September 2015. Chapter 8, relating to Board and Commission appointments, includes section 8.08, pertaining to Appointment/Reappointment, which states, in part, **"All advisory board members completing their term who are interested in and eligible for reappointment may be reappointed by the City Council for a second term without an open competitive process."** **Council's interview selection committee will be provided input from the board chairs for their consideration as to whether any such appointments without a competitive process should be recommended to the full Council.**

The 2018 process will begin with a posting of upcoming vacancies during the last week of January. Council will need to select by lot the three members of the selection committee. The selection committee will need to meet during the last two weeks of February and will then forward on their recommendations of three candidates per vacancy to the full Council. The full Council will then take action to accept the recommendations, alter the recommendations, or add additional candidates to be interviewed for any of the positions. A special meeting date of Tuesday, March 27<sup>th</sup> has been scheduled to conduct interviews and make appointments for seats whose terms will end on March 31, 2018.



CITY OF KIRKLAND  
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## MEMORANDUM

To: City Council

From: Kurt Triplett, City Manager

Date: January 9, 2017

Subject: DRAFT FEBRUARY 23 RETREAT AGENDA

### RECOMMENDATION:

That the Council reviews the draft retreat agenda for the February 23, 2017 Policy Initiatives Retreat, and provides direction on final agenda. The format is described in this memo and a proposed final agenda will be handed out at the Council meeting on January 16.

### BACKGROUND DISCUSSION:

The 2018 policy initiative retreat is scheduled on February 23, 2018. The location will be the Mercer Slough Environmental Education Center in Bellevue. The Center needs to be cleaned and cleared by 4:00pm so the retreat will run from 8:00am to 3:45pm. Breakfast, lunch and afternoon refreshments will be provided.

#### Council Strategic Planning, Budget and CIP Process Review

After the Council discussion at the January 2 Council meeting, staff is proposing a modified format to the retreat as there are new Council members, and much of the discussion around the policy initiatives has been about how to prioritize them for funding. Therefore, staff is proposing to spend the first part of the retreat highlighting the current Budget and CIP process. Staff will present the current cycle of public outreach, strategic planning, resource allocation, Work Program implementation and performance management. The proposed 2019-2020 Budget and CIP calendar will also be discussed. There will then be a facilitated discussion about whether the Council wishes to modify the process in light of potential policy priorities. There will also be a discussion of the current Council Goals to see whether a more detailed Goal review should happen at a later date.

#### Council Structure, Policy Priority Discussions, and Brainstorming

The second portion of the retreat will start with a review of the current Council structure. It will cover several topics, but the primary focus will be on the Council committee structure. Council will review the current structure and expectations and then have a facilitated discussion about whether any modifications are necessary. The final segment will be a facilitated discussion of Council policy priorities and brainstorming. Each of the topics previously identified by the Council will be discussed, and background memos on those topics will be provided as part of the retreat packet. The retreat will conclude with a decision as to whether a second policy retreat **should be scheduled prior to the Council's May financial retreat.**