



City Council Meeting with the Neighborhoods

Market Neighborhood

Submitted Questions/Comments (20)

Meeting Date: May 21, 2014



City Manager's Office:

1. Can the city provide any type of credit to small business owners in certain categories of business in downtown Kirkland so we can attract and retain businesses other than nail and hair salons?

Response: *There are significant legal constraints on the City of Kirkland doing any type of credit or loans to small business owners for the purpose described in this question.*

Loans: The Washington State Constitution prohibits local governments from giving or loaning money to any "individual, association, company or corporation, except for the necessary support of the poor and infirm, . . ." (article 8, section 7).

Tax credits: While the Council could consider tax credits or exemptions to the business license fee as a matter of policy, any credit would need to be applied uniformly to qualifying businesses, which makes it difficult to isolate "downtown" from any specific type of business (such as "nail salons"). Credits to other types of taxes (property or sales) would be even more challenging and are probably not feasible.

In addition to the constitutional equal protection problem, the prohibition in the state constitution against gifts of public funds could be a potential limitation on the ability of the City to provide a tax credit. The authority for tax credits from property or sales tax would need to be provided by state law, not local ordinance. A city with a business and occupations tax might have some leeway in crafting a business and occupations tax credit; however, the City of Kirkland does not impose a business and occupations tax.

2. How can the Kirkland City Council incentivize large Kirkland businesses (i.e. Google) to hire local vendors?

Response: *Just as the City cannot favor local businesses for its own contracts, the City cannot offer direct incentives to large businesses to utilize local vendors. However, indirectly, the City and its various partners (such as business organizations and nonprofits), can and do offer a number of avenues for local vendors to get in front of larger businesses and promote themselves.*

- *The Kirkland Business Roundtable, and the Tourism Program offer quarterly opportunities for large and small businesses in Kirkland to network.*
- *When new businesses come to town the City provides a monthly orientation and connections with business organizations. Detailed information about these opportunities is spelled out in the new, updated business welcome packet (Growing Cooler and Cooler) on the City of Kirkland website.*
- *The City, as one of the largest businesses in Kirkland, provides a portal under its 'Doing business with the City' webpage to enable local businesses to be apprised of and compete for City contracts for goods and services.*
- *Through the Green Business Program, the City has worked with local companies to become more sustainable including local sourcing for carbon reduction and community economic development. Companies like Pace Engineering established a sustainability committee as a result of the City's program, and routinely use local vendors.*

- Google routinely uses local providers especially for food. To connect with Google procurement, businesses can go to <http://services.google.com/supplier-enrollment/interested> or for help, p2phelp@google.com.
- The City can get you started with contacts at major Kirkland companies. Contact Ellen Miller-Wolfe emwolfe@kirklandwa.gov, or Duncan Milloy, dbpmilloy@gmail.com for further information.

3. Does the city have any plans to move City Hall near new police facility? Does the city have any plans to sell any rental homes that they currently own - McAuliffe Park? Why do they own these homes in the first place?

Response: *The City does not have any plans to relocate City Hall. With the move of the Police Department to the new Kirkland Justice Center, the vacated space in City Hall will be used to relocate the Parks Administration and Human Resources back to City Hall. We will also update the City Hall facility with updated HVAC (heating, ventilation and air conditioning) systems, paint and carpet and some reconfiguration to improve customer service to walk-in customers. The City Council did receive a report on the cost of relocating City Hall, however, the cost was significant and beyond funding that is currently available.*

With regard to rental houses, the rentals adjacent to City Hall were acquired over the years consistent with the City Hall Master Plan that envisioned expanding City Hall to the south to accommodate growth. The City is studying the potential for providing additional public parking on those parcels to serve both City Hall and downtown. Other rental properties were acquired as part of park property acquisitions. Properties are acquired for future parks as they become available for purchase and often have structures on them. Generally, until park improvements can be planned and funded, the houses become rentals and provide modest income until they need to be demolished to make way for a park development. McAuliffe Park is one example of this type of acquisition. Master planning for McAuliffe and improvements are not ready to be completed and the three houses on the property are rentals.

4. Any exciting construction developments to report? There seem to be exciting construction projects going on in Bothell, Redmond, Bellevue and Seattle. Are the Potala and previous Park Place Project (and Bank of America initially) issues impacting businesses wanting to develop here? Is our current commercial zoning policy hindering us from attracting new businesses?

Response: *Kirkland has different conditions than other cities, including the types of businesses (generally small with the unique attribute that 40% are home-based), the size and location of business districts in relation to residential neighborhoods and access to major arterials, and finally, the zoning for those districts. The City and its attraction to business even in a competitive environment is in all our hands or shaped by the community.*

The City has made a great deal of effort to get the Totem Lake redevelopment going but at this point it is mostly out of the City's hands. A lawsuit and the market have kept the owners from going forward but we are hopeful they will do so soon. In the case of Park Place, the market is very competitive and the previous developer needed to secure an anchor tenant ahead of construction that would lease over 60% of one million square feet as well as the money and time to build structured parking before the construction of the buildings themselves can begin. We are hopeful that with the sale of the property from Touchstone back to Prudential we will see a revised plan that has more of a chance of succeeding. Indeed, we are concerned about losing companies that grow

and must leave Kirkland to find adequate office space or companies wanting to locate in Kirkland with no space available to them. There is demand!

As for projects that have caused some consternation, we don't believe that they present major obstacles to getting some good development projects and good businesses to occupy them in this market.

Parks:

5. What are the thoughts of changing Lee Johnson Field into a multi-use field to better utilize an expensive resource and expand use to others?

Response: *The Park, Recreation and Open Space Plan (PROS Plan) recommends resurfacing the Lee Johnson Field at Peter Kirk Park with artificial turf. This field is the only lighted sports field in the Kirkland Park System. Resurfacing the field will accommodate year round use of the field for baseball as well as soccer.*

6. Waverly Park hasn't had any capital improvements in at least twenty years. While the city spent millions on refurbishing Juanita Park, Waverly is in disrepair. The entry/exit isn't legal (it's a single lane), the beds are overgrown with blackberries, the trees are in decline, the upper parking lot is literally falling apart. When is the city going to invest in existing parks that have been neglected for decades? I know the City of Kirkland has hired a consultant to Master Plan the park, but when is actual money, resources and action going to take place? What is the City Council going to do with all the information and ideas collected at the Neighborhood Planning workshops?

Response: *Last year the City completed a long-range renovation plan for Waverly Beach Park and we anticipate the first phase of renovation to begin in 2015. The project is funded in part by the voter-approved 2012 Kirkland Parks Levy. The City is also seeking additional funding support from the State of Washington with a grant application currently pending. More information about the project can be found on the City's website (www.kirklandwa.gov) by searching "Waverly Beach."*

Planning:

7. What are the steps necessary to turn the temporary ordinance disallowing marijuana retail in MSC 1 and MSC 2 into a permanent ordinance?

Response: *A proposed amendment to the Kirkland Zoning Code needs to be drafted and scheduled for a public hearing before the Planning Commission. The Commission will then send its recommendation to the City Council, and the Council will adopt an ordinance amending the Zoning Code. Prior to drafting an amendment, a process for considering alternative locations for marijuana businesses should be developed. It has been suggested by some members of the public that an advisory committee should be established to assist with this effort. Others have suggested that the Kirkland Alliance of Neighborhoods should be used as an advisory group.*

The interim ordinance has a duration of six months and is due to expire in September 2014. Due to the current heavy workload of the Planning Commission in updating the City's Comprehensive Plan, it is not expected that Zoning Code Amendments for marijuana businesses will be resolved by the expiration of the interim regulations. Consequently, the City Council will be asked to renew the interim regulations for an additional six months. At that time, staff will present to the Council a schedule for completing the Zoning Code amendments.

8. Now that there are several neighborhoods asking for protection from Marijuana (MJ) businesses next to homes (most notably, Norkirk), is there any thought on the council about strengthening the ordinance to create a 100-foot buffer from residences? Given the lawsuits now gearing up over Lottery Process, it seems only a matter of time before a city is challenged to open up more sites to MJ businesses: <http://www.kirotv.com/news/news/marijuana-lottery-losers-eye-lawsuit-first-need-la/nftrp/>

Response: See answer below.

9. If the city is going to be proactive about siting marijuana in Kirkland, why does council insist on not creating a task force, but simply using neighborhood groups and KAN to provide input to the city? Because of changing laws/potential lawsuits/fast-moving action by the state, it seems a dedicated task force that includes business owners, customers, and neighborhood representatives would be the most efficient way of building consensus around siting MJ in Kirkland.

Response: See answer below.

10. What is the city plan to create a permanent ordinance or to change zoning to disallow marijuana retail locations in Market Neighborhood?

Response: The current interim ordinance regulating the location of retail marijuana businesses will be in effect for six months from its effective date (March 29) with a possible extension for an additional six months. In discussing the interim regulations, it was the objective of a majority of the Council to insure that there are opportunities in the City for marijuana retail sales to occur while limiting impacts to residential neighborhoods. Before the interim regulations expire, the Planning Department will prepare on-going regulations to be incorporated into the City's Zoning Code. The regulations will be reviewed by the Planning Commission and the Commission will conduct a public hearing before submitting a recommended ordinance to the City Council. The Council has had no additional discussions about residential buffers or other potential regulations since the interim regulations were adopted. The Council also has not decided for or against having an advisory committee at this time. Before the Planning Department begins the process of drafting final zoning regulations, the Council will review citizen concerns and provide general guidance to the Planning Department and Planning Commission.

11. Although I support business development on Market that meets the needs of the neighborhood, I do NOT believe this is the right location to place Marijuana retail stores until many factors have been tested and resolved (regional draw, cash business, potential crime). Market is an already overused main street that bisects two neighborhoods. This is not the right location to place a new type of business without further study on its potential impact. Please extend the ban on the Market Street zone for at least 1 year.

Response: As you may know, in March of this year, the City Council adopted interim zoning regulations for retail marijuana sales, and those regulations prohibit such businesses along Market Street. Although the regulations have a limited duration (six months, with a potential extension for another six months), the City will be adopting long term amendments to the Zoning Code which address retail marijuana sales. It is anticipated that the zoning regulations will continue to prohibit marijuana sales along Market Street. Information about marijuana regulations can be found on the City's webpage - <http://www.kirklandwa.gov/Community/1502.htm>.

12. Please consider zoning changes on Market to reduce street side setbacks (zero lot line) but perhaps add buffer zones behind business. This will allow for and encourage needed redevelopment and enhancement of existing retail sites.

Response: *Consideration of zoning changes to reduce the required front yards along Market Street would normally be done in conjunction with the update of the Market and Norkirk Neighborhood Plans. However, the Planning Department keeps a list of potential Zoning Code amendments and will add this to the list for future consideration by the Planning Commission and City Council. Buffers are already required when a commercial use abuts a lower intensity use such as single family residences, which is the case along Market Street.*

Public Works:

13. What is the cost and challenges associated with burying utility lines?

Response: *The conversion of overhead utility lines to underground is a cost that is borne by the benefitting property owners. In the recent past, only one conversion project has been undertaken by a neighborhood and the cost per lineal foot of conversions was approximately \$350–\$500 per lineal foot (as a planning level estimate). Each project varies in price depending on field conditions. In the case where the neighbors took on the project on their own, they paid Puget Sound Energy to design the project and hired their own contractor to complete the work. The other way the conversions occur is via a Local Improvement District (LID). An LID for conversion of overhead utility lines is a complex process that warrants more detailed discussion than what can be provided here. If you want to learn more about this process, please call Rob Jammerman, Development Engineering Manager at (425) 587-3845. If you want to learn more about the details of a LID, please call Dave Snider, Capital Projects Manager, at (425) 587-3832.*

14. After years of neglect, the city is finally repairing trip hazards on public sidewalks that have existed for over a decade. The repairs are being made with asphalt instead of concrete. Is this the new city standard? If I replaced my sidewalk in front of my house, would the City of Kirkland require concrete or asphalt?

Response: *Kirkland sidewalks are routinely maintained with a variety of solutions including: grinding, asphalt “shims” or wedges, removal and replacement (typically with asphalt but in some cases concrete), and in recent years by the use of rubber panels. The Downtown Business District is inspected twice per year, spring and fall, and disrepairs are identified and marked with paint; staff then follows with the various and case specific solutions. The balance of the City’s 175 miles of sidewalk is visually inspected on an approximate seven-year cycle and repairs follow as resources are available.*

The single largest impact to sidewalks and pathways are roots from adjacent trees. Asphalt is used as one City repair option because of its flexible nature. Using asphalt as a repair solution is the most economical means of repair without detrimentally impacting or removing the adjacent trees. The City uses rubber tile products on a limited basis (as employed in Downtown along Park Lane). Over the more recent years, root pruning has begun to be employed concurrent with sidewalk repair. However, because it remains economical and easier to install than concrete, asphalt is the solution of choice for sidewalk and pathway repair. If a property owner were replacing sidewalk in front of their home, for redevelopment or installation of a new utility, it would be required to be in concrete. Typically City statutes only require property owners to replace sidewalk adjacent to their home if they damage it through some action such as building or excavation near it or they have signed a

maintenance bond for some related construction. Kirkland has not historically required property owners to replace sidewalk due to vegetation or normal wear; that function falls to the City.

15. The city has a history of approving inappropriate species of street trees that are inappropriate for the space or height based on overhead utilities. Then the city goes back through and tops the trees, ruining their natural shape. Who in the City of Kirkland is doing plan review and approving new street trees? Does the City of Kirkland have a comprehensive plan and program that speaks to long-term needs for urban street trees?

Response: *Street trees have been a component of Kirkland street design for decades. Their impact on the environment and in creating buffers for pedestrians and calming traffic by giving a narrowing effect on roads has been demonstrated for some time. One of the considerations, however as you point out, is their growth patterns. Growth patterns can impact not only the overhead utility lines but also the tree roots impact on underground utilities and adjacent sidewalks. Many older trees have matured and are impacting their surrounding utilities and must be pruned.*

The listing of approved trees within the City has been modified over the years. The City's urban forester and staff arborists continually evaluate and update the list of appropriate trees, oversee the project review process and selection of trees, and coordinate with utility companies and other stakeholders.

In 2013 the Council adopted its Urban Forestry Strategic Management Plan and also commenced an intradepartmental staff group of Planning & Community Development, Parks & Community Services, and Public Works to collaborate on the full life cycle of trees. The initiatives of the Strategic Plan and closer coordination of the various staff will continue to look at improved means to manage the City's urban forest. The Strategic Plan can be found on line at:

<http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Urban+Forest+Management+Plan.pdf>

16. How can Market residents participate in the parking feasibility assessment and make sure their concerns are addressed? Specifically, how can we prevent the neighborhood from being an overflow parking lot for inadequate downtown parking? How is the City planning to contain commercial parking to commercial areas?

Response: *We've asked the Parking Feasibility Assessment consultant to help us understand what other communities do and what options there are. One of the questions that we're looking at is what to do about Lake Avenue West. The study is scoped as a technical report. Before any changes are made, there will be public outreach to inform and receive information.*

17. What is the city doing to address the current traffic issues and future traffic that will result in planned growth in Kirkland and surrounding communities that commute through our public corridors? What infrastructure is being planned to address these needs?

Response: *The Transportation Master Plan is examining these issues. The basic answer is that we are not planning major roadway widening as a strategy for dealing with growth. We can neither afford, nor does the community want, projects like this. Projects will be focused around providing options for walking, biking, and transit. There will continue to be auto traffic moving through Kirkland from other communities.*

18. What are the thoughts of underground parking at Peter Kirk Park, Marina Park and/or Heritage Park to meet demands of downtown parking?

Response: *Providing more downtown parking capacity is something in which Council is interested. Underground parking garages are very expensive. There may be other ways to provide extra spaces, such as perhaps partnering with private property owners or making better use of existing areas on the City Hall campus.*

19. I appreciate the formal adoption of school walk routes as it is important for the safety of our kids. Although the city information says walk routes exist for elementary and middle school kids, I only see elementary routes on maps provided by the city. Many kids in the Market neighborhood walk to Middle School (there is no bus) and some elementary kids do as well. As Middle School starts in 6th grade these kids also need safe routes. They are walking early in the morning during rush hour. Please update this plan to include safe walk routes for Elementary & Middle school kids in the Market Neighborhood. In addition, I would like to see sidewalks installed on these walk routes in areas of our neighborhood that do not currently have them like was recently done in the Highlands neighborhood on NE 100th St. - 16th Ave. W & 6th St. W would be a good start.

Response: *We adopted school walk routes from the Lake Washington School District's safe school walk routes. The District only provides routes for elementary schools, as required by law. The next time the Council considers changes to routes we can consider including middle schools. Hopefully, the new flashing beacon at 15th Ave and Market St. is a welcome improvement for kids walking to Kirkland middle school.*

20. Please consider an additional traffic light on Market (at 16th Ave. W?). Getting into and out of our neighborhood during rush hour is dangerous! Market is not designed to be a thoroughfare - additional traffic light will discourage cut through traffic trying to avoid 405.

Response: *In 2007, the Market Neighborhood did a study regarding access on Market Street and concluded at that time that a signal had more negatives than positives. You can see [the study online at the Market Neighborhood website](#).*