



City of Kenmore - 18120 68th Avenue NE - Kenmore, WA 98028
Phone: 425-398-8900 - E-mail: cityhall@kenmorewa.gov

City Council Regular Meeting

ON-SITE

MONDAY, SEPTEMBER 16, 2024 - 7:00 PM

In addition, we try to provide access to the meeting virtually:

ZOOM LINK: <https://kenmorewa-gov.zoom.us/j/81035530299>

ZOOM PASSWORD: 091624

Or One tap Mobile: US: +12532158782,,81035530299# US

Or Telephone Dial US: +1 253 205 0468

Webinar ID: 810 3553 0299

ZOOM PASSWORD: 091624

SIGN UP FOR VIRTUAL PUBLIC COMMENT HERE: www.kenmorewa.gov/virtualpubliccomment

If you have technical difficulties accessing the meeting virtually, please contact the Deputy City Clerk at mkang@kenmorewa.gov.

Technical Difficulties - If the virtual component of the meeting disconnects, and we cannot resolve technical difficulties to reconnect the virtual component, the in-person meeting will continue at City Hall if there is a quorum of the body to conduct business.

Land Acknowledgement to Honor First Peoples

We acknowledge that the City of Kenmore is situated upon the ancestral lands of the Snohomish, Snoqualmie, Sauk-Suiattle, Duwamish, Stillaguamish, Tulalip, Suquamish, Muckleshoot, and other tribes who are part of the Coast Salish Peoples. We recognize and express our deepest respect for their enduring stewardship and profound relationship with this land, which they have cherished and protected since time immemorial. We honor the First Peoples, acknowledge their vibrant cultures, and commit ourselves to learning from their wisdom in our journey to promote justice, equity, and mutual understanding. We pledge to stand alongside these communities in acknowledging past injustices and working towards a future that respects and celebrates the diverse heritage of this land.

- I. CALL REGULAR MEETING TO ORDER - 7:00 PM**
- II. ROLL CALL**
- III. LAND ACKNOWLEDGEMENT**
- IV. FLAG SALUTE**
- V. AGENDA APPROVAL**
- VI. WHERE'S THE FUN?**
- VII. PUBLIC COMMENTS**

Welcome to the Council's meeting. Please address your comments to the Mayor and Council. You'll have three minutes to speak. If there are more than 20 speakers, time will be reduced to two minutes per speaker. The Clerk will call your name when it's your turn. The Presiding Officer may choose to alternate between in-person and online comments. Please state your name and city of residence and keep

within the allotted time. To make every person feel welcome and safe here; please refrain from booing, clapping, heckling, yelling, or other interruptions. The meeting is recorded for transparency. Thank you for being here, and for sharing your input respectfully.

VIRTUAL PUBLIC COMMENT PRE-REGISTRATION PROCESS: To provide public comments virtually, please fill out the [Virtual Public Comment Request Form](#) in advance of the meeting. The form opens Tuesdays at 12:00 Noon and closes Mondays at 12:00 Noon. You will be confirmed by the City Clerk. If you are having difficulty, please reach out to the City Clerk at awarhol@kenmorewa.gov.

VIII. CONSENT AGENDA

CONSENT AGENDA APPROVED UNANIMOUSLY

- A. Approve Total Check #s 54919 through 54972 totaling \$267,640.79, Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 8/23/2024 in the amount totaling \$405,242.02, and EFT Payment #s 1675 through 1692 totaling \$33,000.47.
[Voucher Certification and Approval 8/17/2024-8/30/2024](#)
- B. Approve the re-allocation of \$3,279,700 of existing ARCH Housing Trust Fund funding approved by ARCH member councils previously awarded to the Plymouth Housing City of Kenmore Supportive Housing Project to the Plymouth Housing City of Redmond Supportive Housing Project.
(added 9/12)
[Agenda Bill - Re-Allocation of ARCH Housing Trust Fund Funding \(added 9/12\)](#)
[Attachment 1 - ARCH Executive Board Recommendation Memo \(added 9/12\)](#)

IX. PUBLIC HEARING

VIRTUAL PUBLIC COMMENT PRE-REGISTRATION: To provide public testimony virtually, please fill out the [Virtual Public Comment Request Form](#) in advance of the meeting. The form opens Tuesdays at 12:00 Noon and closes Mondays at 12:00 Noon. You will be confirmed by the City Clerk. If you are having difficulty, please reach out to the City Clerk at awarhol@kenmorewa.gov.

- A. Proposed Ordinance No. 24-0609, Parking Requirements - Amending KMC Section 18.29.070 and Chapter 18.40, presented by Development Services Director Samantha Loyuk and Planner Reilly Rosbotham, *for public hearing*
PUBLIC HEARING HELD
[Agenda Bill - Parking Requirements, KMC 18.29.070 and 18.40](#)
[Attachment 1 - Proposed Ordinance No. 24-0609](#)

[Attachment 2 - Exhibit A to Proposed Ordinance No. 24-0609, Code Amendments](#)

X. BUSINESS AGENDA

- A. Proposed Ordinance No. 24-0609, Parking Requirements - Amending KMC Section 18.29.070 and Chapter 18.40, presented by Development Services Director Samantha Loyuk and Planner Reilly Rosbotham, *for adoption*
ORDINANCE ADOPTED
[Agenda Bill - Parking Requirements, KMC 18.29.070 and 18.40](#)
[Attachment 1 - Proposed Ordinance No. 24-0609](#)
[Attachment 2 - Exhibit A to Proposed Ordinance No. 24-0609, Code Amendments](#)
- B. Settlement & Release Agreement between City of Kenmore and Washington Business Properties Association and Proposed Ordinance No. 24-0604, Amending Chapter 8.55 KMC, Tenant Protections, *for adoption (added 9/11)*
SETTLEMENT APPROVED
ORDINANCE ADOPTED
[Agenda Bill - Settlement Agreement and Proposed Ordinance No. 24-0604 \(added 9/11\)](#)
[Attachment 1 - Settlement and Release Agreement \(added 9/11\)](#)
[Attachment 2 - Proposed Ordinance No. 24-0604 \(added 9/11\)](#)
[Attachment 3 - Exhibit 1 to Proposed Ordinance No. 24-0604 \(added 9/11\)](#)
[Attachment 4 - Just Cause Evictions Explained \(added 9/11\)](#)
- C. Swamp Creek Property Conservation and Restoration Potential Prioritization, presented by Environmental Services Director Richard Sawyer, *for discussion*
DISCUSSED
[Agenda Bill - Swamp Creek Property Conservation and Restoration](#)
[Attachment 1 - Draft Swamp Creek Prioritization Results and Methodology Technical Memorandum](#)
[Presentation - Property Conservation and Restoration Assessment Tool](#)
- D. Proposed Resolution No. 24-419, Climate Emergency Declaration, presented by Climate Action Plan Program Manager Nina Rasmussen, *for discussion and/or action*
RESOLUTION ADOPTED
[Agenda Bill - Resolution Declaring Climate Emergency](#)
[Attachment 1 - Proposed Resolution No. 24-419](#)
[Presentation - Climate Emergency Resolution](#)
- E. Proposed Ordinance No. 24-0619, updates to KMC 10.45 Automated Traffic Safety Cameras, presented by Traffic Engineer Tobin Bennett-Gold, *for adoption*
ORDINANCE ADOPTED

[Agenda Bill - Automated Traffic Safety Cameras \(added 9/10\)](#)

[Attachment A - Proposed Fine Schedule \(added 9/10\)](#)

[Attachment B - Proposed Ordinance No. 24-0619 \(added 9/10\)](#)

[Attachment C - Description of Proposed Ordinance No. 24-0619 Revisions to KMC 10.45 \(added 9/10\)](#)

[Presentation - Kenmore Automated Photo Enforcement \(added 9/16\)](#)

XI. EXECUTIVE SESSION

- A. Confidential Session of the Council - Pursuant to RCW 42.30.110(1)(i), the City Council will enter an executive session to discuss potential and pending litigation.

EXECUTIVE SESSION HELD

XII. POSSIBLE ACTION RELATING TO EXECUTIVE SESSION

- A. Motion to accept and file the final report and supplemental report from Kathleen Haggard relating to the investigation of citizens' complaints on the Public Works Operations Center (collectively, the Final Report). Based on the final report, the Council finds the complaint to be unsubstantiated and unsupported and directs the City Clerk to post the Final Report and supplemental report on the City's website under the Public Works Operation Center information. Upon the filing of the Final Report this matter is closed with no further action to be taken.

MOTION PASSED

[Kathleen Haggard Final Report \(added 9/17 after authorizing motion\)](#)

[Kathleen Haggard Supplemental Report \(added 9/17 after authorizing motion\)](#)

XIII. STAFF REPORTS

XIV. COUNCILMEMBER REPORTS & COMMENTS

XV. ADJOURNMENT

UPCOMING MEETINGS

- A. Monday, September 23, 2024 at 7:00 PM - City Council Regular Meeting
Monday, September 30, 2024 at 7:00 PM - City Council Special Meeting
Monday, October 7, 2024 at 7:00 PM - City Council Special Meeting
Monday, October 14, 2024 at 7:00 PM - City Council Regular Meeting

NOTICE OF POTENTIAL QUORUMS

[Click here for information about Potential Quorums of the City Council.](#) Now

found on the City website under City Council Meetings.



Voucher Certification and Approval

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City of Kenmore

DATE RANGE: 8/17/2024 through 8/30/2024

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Kenmore and that I am authorized to authenticate and certify to said claim. The following checks and electronic payments are approved for payment:

Total EFT Payments: #1675-1692 **33,000.47**

Total Checks: #54919 through 54972 **267,640.79**

Total Payroll Electronic Deposits: Payroll/Taxes/FSA/HSA/Retirement, Dated 8/23/2024 **405,242.02**

Rob Karlinsey

Rob Karlinsey (Sep 4, 2024 09:32 PDT)

Sep 4, 2024

City Manager / Date

Melinda Merrell

Melinda Merrell (Sep 4, 2024 09:29 PDT)

Sep 4, 2024

Finance & Administration Director / Date

Vendor Name	Payment Number	Payment Date	Description	Amount
USPS-POC c/o CITIBANK	1675	08/22/2024	Initial ACH credit Postage	3,996.75
U.S. BANK PURCHASE CARDS	1676	08/30/2024	8/7-9/6/24 Buzzsprout Podcast Host Fee	12.00
U.S. BANK PURCHASE CARDS	1677	08/30/2024	NNO Staff Meals/Volunteer Snacks	158.93
U.S. BANK PURCHASE CARDS	1678	08/30/2024	Zoom, Aug '24 phone svc, office supplies/equip.	7,672.57
U.S. BANK PURCHASE CARDS	1679	08/30/2024	VOID	-
U.S. BANK PURCHASE CARDS	1680	08/30/2024	DEIA/HR Training, Mental Health Kits, PayPal Fees	323.29
U.S. BANK PURCHASE CARDS	1681	08/30/2024	Event/FM/Fac/Park Supp, Maint & Materials, Fence	7,366.04
U.S. BANK PURCHASE CARDS	1682	08/30/2024	WACE & CESCL reg, Abatement & other supplies,equip	1,433.74
U.S. BANK PURCHASE CARDS	1683	08/30/2024	MRSC & APA Registrations - Hall	465.00
U.S. BANK PURCHASE CARDS	1684	08/30/2024	Holiday lighting, event supplies, tools, storage	4,291.61
U.S. BANK PURCHASE CARDS	1685	08/30/2024	Volgistics fee, event supplies & meals	3,525.90
U.S. BANK PURCHASE CARDS	1686	08/30/2024	WCMA trophy, supplies, Bothell-Ken Chamber mtg	76.23
U.S. BANK PURCHASE CARDS	1687	08/30/2024	FM Staff Meals, Event Supplies, Wellness GC, Mktg	1,210.85
U.S. BANK PURCHASE CARDS	1688	08/30/2024	WCMA Conference-Chomiak, Custom Stickers	906.37
U.S. BANK PURCHASE CARDS	1689	08/30/2024	Wix & Vcita, Loutsis AWC Lodging, supplies	369.37
U.S. BANK PURCHASE CARDS	1690	08/30/2024	Seattle Times, APA Conf. Rasmussen, water tool	686.63
U.S. BANK PURCHASE CARDS	1691	08/30/2024	WMCA Conference Registration-Warhol	175.00
U.S. BANK PURCHASE CARDS	1692	08/30/2024	"Come Up for Air" book-10 copies	330.19
NATIONAL LIFE INSURANCE CO.	54919	08/23/2024	Life Insurance	37.50

VIII. A. Approve

Total Check #s 54919 through 54972 totaling \$267,640.79...

Vendor Name	Payment Number	Payment Date	Description	Page 7 of 181	Amount
A & A LIMOUSINE & BUS SERVICE	54920	08/30/2024	Shuttles: Summer Concerts 7/25 & 8/1 and Play Day 8/10		2,072.00
AM TEST, INC	54921	08/30/2024	Aug 2024 Swamp Creek TMDL plus Swim Beach Monitoring		630.00
AMADOR FARMS	54922	08/30/2024	SNAP/EBT Reimbursement		66.00
AMERICALL	54923	08/30/2024	Jul 2024 After Hours Call Out Service		162.66
ANDREY GOLUBOVICH	54924	08/30/2024	Full Refund of Incorrect Intake Fees		6,481.96
BCN TELECOM, INC.	54925	08/30/2024	8/15-9/14/24 City Hall Phones		968.88
BROTHER'S FARMS	54926	08/30/2024	SNAP/EBT Reimbursement		20.00
CALICO COOKIES - ERIN CALI	54927	08/30/2024	SNAP/EBT Reimbursement		36.00
CANON FINANCIAL SERVICES, INC.	54928	08/30/2024	Aug 2024 2nd Floor Printer Lease		266.32
CASCADE PEST CONTROL	54929	08/30/2024	Jul & Aug 2024 Rhododendron Park Pest Control		335.00
CONFLUENCE ENVIRONMENTAL COMPANY	54930	08/30/2024	Jul 2024 Consulting Svcs Log Boom & TI' Parks		7,533.50
COTTAGE COMMUNITY BAKERY	54931	08/30/2024	SNAP/EBT Reimbursement		54.00
FOURTEN CREATIVE	54932	08/30/2024	Aug 2024-2025 Business Directory Maintenance		1,845.58
FRANKLIN COVEY	54933	08/30/2024	Publication		26.00
GCP WW HOLDCO, LLC	54934	08/30/2024	Uniform - Reggie rain gear		337.80
GOAT AND SEED	54935	08/30/2024	SNAP/EBT Reimbursement		62.00
HERRERA ENVIRONMENTAL CONSULTANTS	54936	08/30/2024	6/29-7/26/24 Aquatic Vegetation Consult. Svcs		1,628.47
HILLIS CLARK MARTIN & PETERSON P.S.	54937	08/30/2024	Jul 2024 Legal Review Services & Lakepointe Review		720.00
JAYMARC AV	54938	08/30/2024	Hangar A/V Repair/Maintenance		888.49
JOHNSON'S JUNK REMOVAL LLC	54939	08/30/2024	8/1/2024 Knopf Abatement 1st Payment		13,775.22
KDJ'S THE BAKERIE	54940	08/30/2024	SNAP/EBT Reimbursement		10.00
KIMLEY HORN AND ASSOCIATES, INC.	54941	08/30/2024	Jul 2024 Consulting Services		6,435.00
KING COUNTY FINANCE	54942	08/30/2024	Q2 2024 Liquor Profits & Excise Tax		2,503.68
KING COUNTY SHERIFF	54943	08/30/2024	Jul 2024 Jail Services Jul 2024 Concert Police Support Svcs & RADAR Emphasis Police OT		679.60
LOUDEDGE, INC.	54944	08/30/2024	Environmental Action Branding Consulting/Design		600.00
MINUTEMAN PRESS	54945	08/30/2024	Printing - Prelim Budget Book Dividers		60.67
NORTHSHORE SCHOOL DISTRICT	54946	08/30/2024	Jul 2024 School Impact Fee Remittance		64,801.00
OFFICE DEPOT	54947	08/30/2024	Office Depot Misc. Shared Office Supplies		266.71
OFFICE DEPOT	54948	08/30/2024	VOID		-
OLBRECHTS & ASSOCIATES, PLLC	54949	08/30/2024	Jul 2024 Hearing Examiner Svcs-Glacier NW Appeal		5,084.75
OSBORN CONSULTING INC.	54950	08/30/2024	Apr 2024 NE 190th Culvert Ph 2		52,745.01
OUR FAMILY FARM	54951	08/30/2024	SNAP/EBT Reimbursement		11.00
PACE ENGINEERS, INC.	54952	08/30/2024	Jul 2024 On-Call Engineering Services		22,728.50
PUGET SOUND ENERGY	54953	08/30/2024	7/15-8/14/24 City Hall Gas; Electric Hangar, PW, Irrigation, Parks, Artwork, Streetlights		24,509.69

VIII. A. Approve

Total Check #s 54919 through 54972 totaling \$267,640.79...

Vendor Name	Payment Number	Payment Date	Description	Page 8 of 181	Amount
SAGACITY MEDIA, INC.	54954	08/30/2024	Oktoberfest Advertisement "SeattleMet"		2,160.00
SCENIC 365 LLC	54955	08/30/2024	Oktoberfest Paid Advertisement		1,295.00
SCORE	54956	08/30/2024	Jul 2024 Jail Services		13,524.36
SEATTLE TIMES	54957	08/30/2024	Oktoberfest Advertisement		1,686.80
SHERWIN WILLIAMS CO.	54958	08/30/2024	CityHall Painting Supplies		63.11
SHRED IT, C/O STERICYCLE, INC>	54959	08/30/2024	Jul 2024 Shred Pickup		113.48
SMS CLEANING, INC.	54960	08/30/2024	Aug 2024 City Hall, Hangar, & PW Janitorial Svcs		6,495.00
SNO KING WATERSHED COUNCIL	54961	08/30/2024	8/14/24 Habitat Restore. Volunteer Supplies		150.00
SOVA CONSULTING	54962	08/30/2024	Apr 2024 Lakepointe Property Appraisal		7,500.00
STAPLES	54963	08/30/2024	City Hall, Hangar & Parks Maintenance Supplies		1,106.22
STAPLES	54964	08/30/2024	VOID		-
STAPLES	54965	08/30/2024	VOID		-
SUNRISE LOCAL BERRIES FARM, LLC	54966	08/30/2024	SNAP/EBT Reimbursement		57.00
T MOBILE USA, INC.	54967	08/30/2024	Staff Cell Phones and Data Plans		3,396.60
T MOBILE USA, INC.	54968	08/30/2024	VOID		-
THE LODGE AT ST. EDWARD PARK	54969	08/30/2024	9/10/2024 City Leadership Retreat Room Fee		634.05
TILCO VANGUARD INC.	54970	08/30/2024	NE 193rd Slip Lane Closure Materials		10,534.98
WA STATE DEPT OF TRANSPORTATION	54971	08/30/2024	Jul 2024 Signal Maintenance 68th/175th & 181st		497.90
WA STATE DEPT OF TRANSPORTATION	54972	08/30/2024	Jul 2024 W. Samm. Bridge Project Mgmt		43.30
MISSION SQUARE / 109964	DFT0002178-2180	08/23/2024	City of Kenmore 401a		28,745.48
MISSION SQUARE 457 / 304745	DFT0002181-2184	08/23/2024	Mission Square 457 Deferred Comp		6,162.98
DRS 457	DFT0002185-2186	08/23/2024	DRS 457 Deferred Comp		666.50
AFLAC	DFT0002187-2188	08/23/2024	Employee Medical/Disability Plans		155.74
AWC EMPLOYEE BENEFIT TRUST/VIMLY	DFT0002189-2193	08/23/2024	Employee Health Insurance		94,691.23
AVIDIA HEALTH	DFT0002194	08/23/2024	Employee Health Savings Contribution		348.08
LINCOLN NATIONAL LIFE INSURANCE	DFT0002195-2196	08/23/2024	Life Ins/ADD & LTD		2,299.53
DEPARTMENT OF RETIREMENT SYSTEMS	DFT0002197-2203	08/23/2024	Public Employees Retirement		39,224.10
AWC EMPLOYEE BENEFIT TRUST/VIMLY	DFT0002204-2205	08/23/2024	Employee Health Insurance		982.52
NAVIA	DFT0002206	08/23/2024	Employee Flexible Spending Account		1,056.84
BANK OF AMERICA 941	DFT0002207	08/23/2024	Federal Taxes		35,056.96
PAYROLL	Electronic Deposit	08/23/2024	Direct Deposit		195,852.06
				TOTAL	705,883.28

VIII. A. Approve

Total Check #s 54919 through 54972 totaling \$267,640.79...



Vendor Purchasing Report

For Date Range 01/01/2024 - 08/30/2024

City of Kenmore

Name	Amount
1 ALLIANCE GEOMATICS	20,604.63
58 STARS TRAVEL	2,088.36
A & A LIMOUSINE & BUS SERVICE	6,263.00
AABCO BARRICADE COMPANY INC.	6,091.21
ABS VALUATION	2,000.00
ACF WEST INC	1,597.28
ADVANCE TESTING & SERVICE INC	2,416.55
AFLAC	1,405.82
AGORA REFRESHMENTS	1,508.92
ALL AROUND FENCE COMPANY	24,715.12
ALPHAGRAPHS	741.99
ALWAYS ACTIVE SERVICES LLC	664,542.33
ALYSSA MONTGOMERY	150.00
ALYSSA RUSSELL	150.00
AM TEST, INC	4,210.00
AMADOR FARMS	183.00
AMBER CLIFTON	2,260.36
AMERICALL	1,480.69
AMERICAN GENERAL LIFE GPO/400S	1,762.64
AMERICAN SOCIETY OF COMPOSERS	500.00
AMERICAN TRAFFIC SOLUTIONS INC	108,750.00
AMY LINDBLOM	150.00
AMY ZIER	137.60
ANCHOR QEA, LLC	4,385.25
ANDRES TORRES	249.90
ANDREY GOLUBOVICH	6,481.96
ANNA ARNOTT	215.06
ANNIE FOSTER	3,000.00
APPLIED CONCEPTS, INC.	1,845.85
AQUATECHNEX LLC	13,113.80
ARCHIVESOCIAL, INC.	4,845.93
ARTS OF KENMORE	2,725.00
ASHWINI HOSADEVARAHADLU SHIVANANDA	250.00
ASPECT CONSULTING LLC	2,782.50
ASSOCIATION OF WA CITIES	30,600.15
AURORA RENTS	4,036.88
AVIDIA HEALTH	5,917.36
AWC EMPLOYEE BENEFIT TRUST/VIMLY	814,334.80
BANK OF AMERICA 941	556,214.94
BASTYR UNIVERSITY	250.00
BCN TELECOM, INC.	7,158.68
BERGER PARTNERSHIP	3,498.75
BIZDIVERSITY	1,750.00
BOAZ COFFEE	27.00
BOTHELL KENMORE CHAMBER OF COMMERCE	2,100.00
BRASS MONKEY INVESTMENTS LLC	7,554.90
BRIGHT SPARK EARLY LEARNING SERVICES	900.00
BROTHER'S FARMS	342.00
BROWNE AND TOASTED	30.00
BRYAN HAMPSON	165.00
BUD CLARY FORD OF MOSES LAKE	54,007.70
BUILDERS EXCHANGE OF WASHINGTON INC	75.10

Name	Amount
BULGER SAFE & LOCK, INC.	109.25
C R COLLINS CONSTRUCTION INC	110.40
CALICO COOKIES - ERIN CALI	103.00
CALPORTLAND COMPANY	7,052.40
CAMP UNITED WE STAND	1,125.60
CANON FINANCIAL SERVICES, INC.	2,129.84
CAPITAL ONE TRADE CREDIT/MCLENDON	401.08
CASCADE PEST CONTROL	1,507.05
CASCADIA COLLEGE	30,000.00
CASCADIA LAW GROUP	3,093.75
CEDAR GROVE COMPOSTING, INC.	64.74
CENTER FOR HUMAN SERVICES	82,241.55
CENTRICITY GIS, LLC	14,500.00
CHANIN KELLY-RAE CONSULTING LLC	650.00
CHASE WALKER	492.19
CHICAGO TITLE	16.56
CITY OF BELLEVUE	53,021.21
CITY OF KENMORE	2,553.80
CITY OF KENT	575.00
CITY OF LAKE FOREST PARK	56,187.00
CITYWORKS/AZTECA SYSTEMS LLC	43,832.13
CODE PUBLISHING COMPANY	5,712.04
COMCAST	16,865.94
COMCAST BUSINESS	1,876.90
CONFLUENCE ENVIRONMENTAL COMPANY	32,616.19
CONSOLIDATED PRESS	13,467.07
CORE DESIGN, INC.	5,164.86
COSTCO	60.00
COTTAGE COMMUNITY BAKERY	207.00
CRAIG OLSON	248.00
CUBBYHOLE CREATIVE LTD	3,000.00
D.P. NICOLI, INC.	469.37
DAHLIA CORONA	445.07
DAILY JOURNAL OF COMMERCE	4,587.65
DALE KRUEGER	208.65
DAMODAR NAGANDLA	4,328.91
DANSOUND INC	7,766.00
DAVID ARTHUR	1,213.03
DAVID BAKER	240.39
DEPARTMENT OF COMMERCE	105,918.27
DEPARTMENT OF ECOLOGY	500.00
DEPARTMENT OF LABOR AND INDUSTRIES	41,006.20
DEPARTMENT OF RETIREMENT SYSTEMS	662,228.61
DEPT. OF L&I - BOILER SECTION	82.40
DEVON LEGER	4,500.00
DICK'S TOWING	1,160.25
DILIGENT CORPORATION	18,834.13
DRS 457	21,226.00
DTG RECYCLE	6,945.97
E SQUARED SYSTEMS, LLC	1,159.74
EBIX, INC.	33.06
ELECTRONIC BUSINESS MACHINES	1,669.46

VIII. A. Approve

Total Check #s 54919 through 54972 totaling \$267,640.79...

Name	Amount
ELIAS M. KAUHANE	1,700.00
EMC RESEARCH, INC.	71,000.00
ENVIRONMENTAL SYSTEMS RESEARCH INST	15,320.10
ENVIROTECH	10,041.75
ESD - LTC	13,194.33
ESD - PFML	24,264.01
EVERMARK, LLC	2,559.98
FARM FRESH NW	139.00
FAST WATER HEATER	187.10
FASTSIGNS	3,915.35
FERGUSON WATERWORKS #3156	6,215.44
FIRE PROTECTION, INC	3,970.65
FIRESTONE INVESTMENT LLC	73,202.00
FIX AUTO KENMORE	2,840.91
FLEMINGS HOLIDAY LIGHTING LLC	2,247.17
FLYNN BEC LP	13,536.97
FLYWAY RETAIL + LIVING	4,945.64
FOURTEN CREATIVE	7,945.58
FRANKLIN COVEY	26.00
FUELCARE	7,643.05
GAMETIME	84.46
GARY ULRICH	40.00
GAYLYNN BRIEN	420.00
GCP WW HOLDCO, LLC	7,123.80
GOAT AND SEED	168.00
GOOD, MICHAEL J.	300.00
GORDON THOMAS HONEYWELL	31,605.00
GRAINGER	194.91
GRAND EVENT RENTALS	13,131.88
GRANICUS	6,825.01
GSC PRODUCTION	600.00
H.D. FOWLER COMPANY	8,173.27
HAYTON FARMS	40.00
HDR ENGINEERING, INC	47,990.63
HEALTH MANAGEMENT ASSOCIATES INC	36,928.75
HEIDELBERG MATERIALS	1,231.33
HERRERA ENVIRONMENTAL CONSULTANTS	16,348.54
HESTON PHOTOGRAPHY	1,644.15
HIGHWIRE	3,317.85
HILLIS CLARK MARTIN & PETERSON P.S.	35,068.00
HOLMBERG COMPANY	1,678.63
HOME DEPOT CREDIT SERVICES	4,529.57
HONEY BUCKET	5,459.00
HORIZON DISTRIBUTORS INC	12,029.48
HP'S SMOKEHOUSE BBQ	330.00
HRA VEBE TRUST	48,892.06
HULA O LEHUALANI	900.00
HUNTINGTON TECHNOLOGY FINANCE	45,235.36
HYDROPOINT DATA SYSTEMS, INC.	3,922.93
ICICLE VILLAGE RESORT	8,138.12
ICLEI	1,200.00
ICMA INTERNATIONAL CITY/CNTY MGMT ASSOC	1,200.00
INSIDESOURCE	2,470.64
INSLEE, BEST, DOEZIE & RYDER, P.S.	245,682.02
INTERNATIONAL INST OF MUNI CLERKS	375.00
iWORQ SYSTEMS	2,800.00
J&E PRODUCE	23.00
JADA THOMPSON	156.00
JAMIE MCKEOGH	2,500.00
JASON CHURCH	7,500.00
JASON RICHARD SPERLING	30.00

Name	Amount
JAYMARC AV	2,016.66
JENNIFER LEIGH DIXON	3,520.00
JENNIFER SPELHAUG	1,043.12
JENSEN TOFFEE	22.00
JERRY OWEN	27,732.40
JET CITY PRINTING	1,782.35
JIM DANDY SEWER & PLUMBING	462.42
JOHN BAYS	7,500.00
JOHN VICENTE	591.28
JOHNSON'S JUNK REMOVAL LLC	13,775.22
JONES BOYS MAINTENANCE CO. INC.	1,414.79
JORDAN STECKS	150.00
JURASSIC PARLIAMENT	1,899.64
KARI HATCHER	150.00
KARIM KARMALI	79.92
KBA INC.	11,774.27
KCDA PURCHASING COOP	6,834.60
KDJ'S THE BAKERIE	31.00
KENMORE COMMUNITY CLUB	530.00
KENMORE ELEMENTARY PTA	3,750.00
KENMORE HERITAGE SOCIETY	5,393.00
KENMORE MIDDLE SCHOOL	5,000.00
KENMORE SENIOR CENTER	23,437.50
KERRY KAESTNER	150.00
KIMLEY HORN AND ASSOCIATES, INC.	42,144.36
KING COUNTY BAR ASSOCIATION	600.00
KING COUNTY FINANCE	163,352.15
KING COUNTY RECORDER'S OFFICE	541.50
KING COUNTY REGIONAL HOMELESSNESS AUTHOR	38,000.00
KING COUNTY SHERIFF	2,690,380.57
KING COUNTY TREASURY	103,652.68
KOMPAN, INC	4,238.63
KPFF CONSULTING ENGINEERS	315,940.64
LAKE CITY PARTNERS ENDING HOMELESSNESS	17,000.00
LAKESIDE INDUSTRIES	1,248.57
LANGTON SPIETH, LLC	20,000.00
LEIGH ANNE MALAVOTTE	156.00
LIGHTHOUSE CONSULTING INC	104,561.10
LINCOLN NATIONAL LIFE INSURANCE	18,521.02
LINKEDIN CORP.	5,730.00
LITTLE JACK FLOWER FARM	235.00
LOUEDGE, INC.	600.00
LUPITA ZAMORA CONSULTING LLC	1,200.00
MARINE FLOATS CORPORATION	4,657.77
MARY MILLER STEPHENS	8,750.00
McGRATH HUMAN RESOURCES GROUP	5,000.00
MELANIE O'CAIN	453.50
MELINDA MERRELL	971.69
METROPOLITAN TRANSPORTATION COMM/STREET	2,000.00
MICHELLE KANG	415.39
MICHELLE SHAW	150.00
MINUTEMAN PRESS	34,203.68
MISSION SQUARE / 109964	490,424.41
MISSION SQUARE 457 / 304745	113,600.55
MKS PROPERTIES	20,137.00
MOJO STRATEGIES	5,870.00
MORGAN SOUND INC	4,443.21
MORGAN STANLEY GLOBAL BANKING OPERATIONS	9,166.66
Motorola Solutions, Inc.	1,595.34
MOTT MACDONALD	20,222.30
MR. T'S TROPHIES & AWARDS LLC	28.52

VIII. A. Approve

Total Check #s 54919 through 54972 totaling \$267,640.79...

Name	Amount
MSR BEACHWOOD 2 LLC	7,906.55
MSR KENMORE CREEK HOMES	7,766.81
MUNIMANAGE, LLC	10,750.00
NAC INC	44,515.00
NAMI EASTSIDE	5,625.00
NARWHAL MET, LLC	2,975.00
NATIONAL BARRICADE CO., LLC	5,151.77
NATIONAL LIFE INSURANCE CO.	732.66
NAVIA	38,726.99
NELSON ELECTRIC, INC.	8,301.57
NELSON TRUCK EQUIPMENT CO	9,779.98
NIGEL HERBIG	1,274.71
NIKHIL PATNE	250.00
NINA RASMUSSEN	977.74
NORTH AMERICAN SAFETY, INC.	2,300.50
NORTHSHORE PARK & REC SERVICE AREA	5,440.00
NORTHSHORE SCHOOL DISTRICT	352,777.50
NORTHSHORE SCHOOLS FOUNDATION	2,250.00
NORTHSHORE SENIOR CENTER	12,187.50
NORTHSHORE UTILITY DIST	113,754.75
NORTHSHORE YOUTH SOCCER ASSOC.	55.00
NORTHWEST ARBORICULTURE LLC	17,682.93
NORTHWEST PAVEMENT MANAGEMENT ASSOCIATI	700.00
NORTHWEST TROPHY	1,670.40
NUHSA	1,000.00
OFFICE DEPOT	4,189.30
OFFICE OF MINORITY & WOMEN'S BUSINESS ENTER	2,395.47
OLBRECHTS & ASSOCIATES, PLLC	11,718.50
OLSON BROTHERS PRO VAC LLC	79,080.91
OLYMPIC ENVIRONMENTAL RESOURCES INC	29,249.10
OLYMPIC NURSERY INC	1,250.10
ONE DIVERSIFIED	287.34
ONTRA MARKETING GROUP	150.00
O'REILLY/FIRST CALL	370.31
OSBORN CONSULTING INC.	322,213.24
OUR FAMILY FARM	342.00
OUTCOMES BY LEVY, LLC	11,600.00
PACE ENGINEERS, INC.	209,587.75
PACIFIC AIR CONTROL, INC.	17,110.86
PACIFIC TOPSOILS	8,305.10
PACIFICA LAW GROUP LLP	1,716.00
PAO DE QUEIJO	14.00
PARAMETRIX INC	7,630.45
PAWS	3,893.00
PENDLETON CONSULTING LLC	10,701.90
PERFORMANCE SYSTEMS INTEGRATION LLC	390.12
PETROCARD, INC	3,942.42
PETTY CASH CUSTODIAN	472.08
PLYWOOD SUPPLY	1,287.36
POLCO	9,000.00
PREMIER MEDIA GROUP	1,490.00
PROGENGO LLC	128.76
PSR MECHANICAL, LLC	2,250.82
PUGET SOUND CLEAN AIR AGENCY	23,536.00
PUGET SOUND EMERGENCY RADIO NETWORK OPER	1,209.60
PUGET SOUND ENERGY	263,427.31
PUGET SOUND PLANTS	2,705.40
QUADIENT LEASING USA, INC.	1,936.72
QUALITY BUSINESS SYSTEMS / WELLS FARGO	58.83
QUINN PROFFITT	612.20
RAJESH MASKARA	250.00

Name	Amount
REGIONAL ANIMAL SERVICES OF KC	790.00
REGIONAL CRISIS RESPONSE AGENCY	38,459.75
REPUBLIC SERVICES #172	12,995.18
RICH HARTMAN'S BELLINGHAM FORD LINCOLN	53,089.00
ROB KARLINSEY	500.00
RRJ COMPANY, LLC	342,068.79
SAGACITY MEDIA, INC.	2,160.00
SAMANTHA LOYUK	146.06
SANDHYA MANICKAVASAGAM	150.00
SARABJIT MANN	7,500.00
SARAH ROBERTS	40,262.41
SCENIC 365 LLC	1,295.00
SCHEMATA WORKSHOP INC.	243.00
SCHINDLER ELEVATOR CORPORATION	4,207.16
SCORE	90,478.93
SEATOWN SWEETS	50.00
SEATTLE & KING COUNTY PUBLIC HEALTH	1,026.00
SEATTLE OUT & PROUD FOUNDATION	2,250.00
SEATTLE PUMP & EQUIPMENT CO./JETTERS NORTH	241.29
SEATTLE TIMES	11,230.30
SEATTLE'S CHILD	700.00
SECURITY SOLUTIONS NW	27,266.00
SENTINEL OFFENDER SERVICES, LLC	632.50
SENZA KENMORE LLC / GOLDSMITH	7,500.00
SESAC	581.00
SHANNON & WILSON, INC.	2,162.50
SHANNON TIPPLE-LEEN	173.45
SHERWIN WILLIAMS CO.	772.66
SHI INTERNATIONAL CORP.	284.67
SHORELINE FIRE DEPT	1,400.00
SHRED IT, C/O STERICYCLE, INC>	894.10
SISKUN POWER EQUIPMENT	11,623.98
SIU SONG	144.80
SKYCORP, LTD	43,074.87
SLABJACK NW, LLC	5,031.57
SMS CLEANING, INC.	51,960.00
SNO KING WATERSHED COUNCIL	150.00
SNOHOMISH COUNTY	10,366.00
SOFTWAREONE, INC.	21,668.07
SOMERSAULT WELLNESS LLC	1,200.00
SOUND SAFETY PRODUCTS CO.	763.69
SOVA CONSULTING	7,500.00
SPECIALTY DOOR SERVICE, INC.	4,460.61
ST OF WA DEPT OF FISH & WILDLIFE	40.00
STAPLES	14,307.35
STATE AUDITOR'S OFFICE	44,387.89
STATE OF WA DEPT. OF LICENSING	1.64
STEPHAN GMUR	1,775.72
STEPHANIE LUCASH	782.50
STEWART MACNICHOLS HARMELL, INC.	40,000.00
STOWE DEVELOPMENT & STRATEGIES LLC	10,200.00
STRATEGIES 360, INC.	18,416.67
STRIDER CONSTRUCTION CO., INC.	57,430.84
SUMMIT LAW GROUP PLLC	1,500.00
SUNBELT RENTALS	3,012.67
SUNRISE LOCAL BERRIES FARM, LLC	172.00
SUPERION, LLC	2,545.62
SURYA SKJONSBY	514.93
SWANK MOTION PICTURES, INC.	1,075.00
T MOBILE USA, INC.	13,638.11
TAMBI CORK	243.89

VIII. A. Approve

Total Check #s 54919 through 54972 totaling \$267,640.79...

Name	Amount
TAME THE JUNGLE, LLC	1,075.00
TASTAD CONSTRUCTION INC	171,479.13
THE LODGE AT ST. EDWARD PARK	895.56
THOMCO CONSTRUCTION, INC.	18,882.49
TILCO VANGUARD INC.	10,534.98
TIM STROUSE	250.00
TOASTMASTERS INTERNATIONAL	250.00
TOBIN BENNETT GOLD	711.40
TOTAL LANDSCAPE CORP	71,701.41
TRUE NORTH EQUIPMENT INC	168.96
TRUGREEN	1,424.44
TRUSTEES OF THE HAMLINE UNIVERSITY OF MINNE	1,704.47
TYLER TECHNOLOGIES, INC.	22,850.12
U.S. BANK N.A. / CUSTODY	416.00
U.S. BANK PURCHASE CARDS	230,578.41
ULINE	5,507.05
UNITED RENTALS NW, INC	2,774.17
UPS STORE KENMORE	505.37
URBAN LAND INSTITUTE	25,000.00
US POSTAL SERVICE	7,123.34
USPS-POC c/o CITIBANK	3,996.75
UTILITIES UNDERGROUND LOCATION CTR	1,074.48
VALLEY, CHRIS & BETH	2,464.75
VERIZON WIRELESS	526.40
VIDIT JAIN	150.00
VIJAYARAGHAVAN MAKKAKODE	250.00
WA CITIES INSURANCE AUTHORITY	795,456.00
WA FINANCE OFFICERS ASSOCIATION	225.00

Name	Amount
WA RECREATION & PARK ASSOC.	605.00
WA STATE DEPARTMENT OF AGRICULTURE	75.00
WA STATE DEPT OF ENTERPRISE SVCS	4,117.00
WA STATE DEPT OF LABOR & INDUSTRIES	284.30
WA STATE DEPT OF TRANSPORTATION	7,256.84
WA STATE DEPT OF TRANSPORTATION	86.34
WAGNER ARCHITECTS	113,547.00
WASHINGTON AUDIOLOGY SERVICES, INC.	1,114.10
WASHINGTON CITY/COUNTY MGMT ASSOC	860.00
WASHINGTON FEDERAL BANK	2,732.20
WASHINGTON MUNICIPAL CLERKS ASSOC	100.00
WASHINGTON STATE DEPT OF REVENUE	11,325.00
WASHINGTON STATE FARMERS MARKET ASSOCIAT	350.00
WASHINGTON STATE OFFICE CASH MGMT	783.50
WESTERN DISPLAY FIREWORKS, LTD.	15,000.00
WESTERN ENTRANCE TECHNOLOGY, LLC	1,542.80
WESTLAKE HARDWARE WA-153	2,635.11
WM CORPORATE SERVICES INC.	21,521.50
WONDERLAND CHILD & FAMILY SERVICES	1,500.00
WORKPLACE RESOLUTIONS, LLC	800.00
XEROX CORPORATION	4,642.99
YANGFENG YU	150.00
YOUNGMIN KIM	150.00
YOURMEMBERSHIP.COM, INC	249.00
ZEN DEVELOPMENT, LLC	11,266.50
ZIPLY FIBER	5,865.35
ZONAR SYSTEMS	544.07
ZUMAR	1,989.99

VIII. A. Approve
Total Check #s 54919 through 54972 totaling \$267,640.79...



City Council Agenda Bill City of Kenmore, WA

Subject/Topic: Re-allocation of Existing A Regional Coalition of Housing (ARCH) Housing Trust Fund Funding Previously Awarded to the Plymouth Housing City of Kenmore Supportive Housing Project to the Plymouth Housing City of Redmond Supportive Housing Project Proposed Council Action/Motion: Motion to re-allocate \$3,279,700 of existing ARCH Housing Trust Fund funding approved by ARCH member councils for the Plymouth Housing City of Kenmore Supportive Housing Project to the Plymouth Housing City of Redmond Supportive Housing Project	For Council Meeting Agenda of: 09/16/24 Department: Community Development Prepared by: Debbie Bent, Community Development Director <table><tr><td></td><td>Initial & Date</td></tr><tr><td>Approved by Department Head:</td><td>09/11/24</td></tr><tr><td>Approved by City Attorney:</td><td>DR</td></tr><tr><td>Approved by Finance Director:</td><td>N/A</td></tr><tr><td>Approved by City Manager:</td><td>RK</td></tr></table> Attachments/Exhibits: 1. ARCH Executive Board Recommendation, memo dated 7/19/24.		Initial & Date	Approved by Department Head:	09/11/24	Approved by City Attorney:	DR	Approved by Finance Director:	N/A	Approved by City Manager:	RK
	Initial & Date										
Approved by Department Head:	09/11/24										
Approved by City Attorney:	DR										
Approved by Finance Director:	N/A										
Approved by City Manager:	RK										
Summary: Staff recommends that the City Council approves a motion to re-allocate \$3,279,700 of existing ARCH Housing Trust Fund funding previously approved by ARCH member councils for the Plymouth Housing Supportive Housing Project proposed in the City of Kenmore (6532 Bothell Way NE) to the Plymouth Housing Supportive Housing Project currently proposed in the City of Redmond.											
Information/Background: The ARCH Executive Board recommends re-allocation of \$3,279,700 existing funding previously approved by member councils for the Plymouth Housing City of Kenmore Supportive Housing Project to the Plymouth Housing City of Redmond Supportive Housing project (see Attachment #1). The re-allocation of funds is needed to accommodate the project's change in location from the City of Kenmore to the City of Redmond and updated funding conditions. The project continues to provide 100 new units of housing affordable at 30% Area Median Income (AMI). On 2/13/23 the City Council approved the consent agenda which included the ARCH Executive Board's recommended Fall 2022 Housing Trust Fund Projects. One of the projects approved for \$3,279,700 of funding was the Plymouth Housing supportive housing project in the City of Kenmore. Link to 2/13/23 City Council agenda Kenmore - Document Center (civicweb.net) . At the 1/22/24 City Council meeting, the City Council voted 5-2 to deny the development agreement for the proposed Plymouth Housing 100-unit supportive housing project at 6532 Bothell Way NE. The City of Redmond then stepped in to make a city-owned surplus site available to Plymouth Housing for the purposes of continuing the development and preserving funding for the project. Since identifying the site in Redmond, Plymouth Housing has been working to adapt the previously proposed project to the new site. In April 2024, Plymouth Housing and the City of Redmond signed a											

land transfer option agreement. Plymouth has been working with funders to retain the previously awarded funds to ensure the new project quickly breaks ground.

Fiscal Consideration:

No new financial consideration as this is a re-allocation of previously approved funding.

City Council Priority or Budget Objective Being Addressed City:

Council Priority #1 for 2024 - Increase and preserve the options for affordable housing.



A Regional Coalition for Housing

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Over 30 years of bringing cities together to house East King County

Together Center Campus
16305 NE 87th St, Suite 119
Redmond, WA 98052
(425) 861-3677

MEMORANDUM

TO: City of Bellevue Council Members
City of Bothell Council Members
City of Clyde Hill Council Members
Town of Hunts Point Council Members
City of Issaquah Council Members
City of Kenmore Council Members
City of Kirkland Council Members
City of Medina Council Members
City of Mercer Island Council Members
City of Newcastle Council Members
City of Redmond Council Members
City of Sammamish Council Members
City of Woodinville Council Members
Town of Yarrow Point Council Members

FROM: Carol Helland, Chair, ARCH Executive Board

DATE: July 19, 2024

RE: Plymouth Redmond Supportive Housing- Housing Trust Fund (HTF) Recommendation

After careful deliberation, the ARCH Executive Board concurred with the recommendation of the ARCH Community Advisory Board (CAB) regarding funding for the Redmond Supportive Housing Project. This recommendation re-allocates \$3,279,700 previously approved by member councils for the Kenmore Supportive Housing project developed by Plymouth Housing. The re-allocation of funds is needed to accommodate the project's change in the location and updated funding conditions. The project will continue to provide 100 new units of housing affordable at 30% AMI and meet several key priorities, as outlined in this memo.

A summary of the recommendation is shown in the table below:

Project <i>Applicant</i>	City	Units	Previous Award	Executive Board Recommendation
Redmond Supportive Housing <i>Plymouth Housing</i>	Redmond	100	\$3,279,700	Re-allocate \$3,279,700 previously awarded to Plymouth Housing to the Redmond Supportive Housing Project with revised conditions

ARCH MEMBERS

BEAUX ARTS VILLAGE ♦ BELLEVUE ♦ BOTHELL ♦ CLYDE HILL ♦ HUNTS POINT ♦
ISSAQUAH ♦ KENMORE ♦ KIRKLAND ♦ MEDINA ♦ MERCER ISLAND ♦ NEWCASTLE ♦ REDMOND ♦
SAMMAMISH ♦ WOODINVILLE ♦ YARROW POINT ♦ KING COUNTY

VIII. B. Approve the re-allocation of \$3,279,700 of existing ARCH Housin...

This memo provides an updated summary of the application, the Executive Board recommendation and rationale, recommended funding conditions and funding sources. Also enclosed is an updated economic summary of the project.

Attachments:

1. Proposed Funding Sources
2. Project Economic Summaries

Note that bolded text in proposed conditions shows unique conditions in otherwise standard text.

1. Plymouth Housing – Redmond PSH

Funding Request: \$3,279,700 (Deferred Loan)

Previously Recommended: \$3,279,700

100 affordable rental units

Executive Board Recommendation: \$3,279,700 (Deferred Loan)

See attached Proposed Funding Sources for distribution of City Funds

Project Summary:

Redmond Supportive Housing is a new construction 100-unit permanent supportive housing project that will serve individuals earning up to 30% AMI who are exiting homelessness. The project was previously awarded ARCH funding when it was proposed on a site offered by the City of Kenmore. Since the initial ARCH award for the development, Plymouth assembled significant funding from other sources for the development, which ultimately did not move forward in that location. The City of Redmond stepped in to make a city-owned surplus site available to Plymouth Housing for the purposes of continuing the development and preserving funding for the project.

Since identifying the site in Redmond, Plymouth has been working to adapt the previously proposed project to the new site. In April 2024, Plymouth Housing and the City of Redmond signed a land transfer option agreement. Plymouth has been working with funders to retain the previously awarded funds to ensure the new project quickly breaks ground. Plymouth is currently preparing new plans to submit for permitting and engaging with the community about the planned development.

Plymouth Housing plans to provide supportive and operational services to the residents of the building. The organization has a long track record of providing property management, maintenance, and supportive services to residents, and has built an organizational culture that focuses on the dignity of residents. All residents will have the opportunity to engage with onsite case managers employed by Plymouth on an ongoing basis. Plymouth anticipates collaborating to fill units through applicant referral agreements with local governments and service agencies that provide services to homeless households. The proposal anticipates providing high levels of services designed for individuals who require extensive ongoing support

Updates to the Project:

Following are updates to the project that have been made since ARCH's original award and are reflected in updated funding conditions:

1. Change to unit mix to provide substitute 10 studios for 10 1BR units.
2. The service staffing includes 24/7 front desk staffing and case management for residents.

3. Entitlements require adhering to the Redmond Supportive Housing Code requirements related to community engagement and commitments during operations, including a required Operations Agreement, Safety & Security Plan, Community Relations Plan, and Code of Conduct.

Overall, the Executive Board finds that the project is materially similar to the initial proposal awarded by ARCH and continues to align with several funding priorities, as described below.

Funding Rationale:

The Executive Board recommends funding with conditions listed below for the following reasons:

- Project provides 100 units of deeply affordable housing at 30% AMI for people exiting homelessness
- Project is located in a prime location in Redmond adjacent to a future light rail station with excellent access to services and amenities.
- The project serves special needs populations (people exiting homelessness including veterans and persons with disabilities).
- The project secured a highly competitive 9% LIHTC allocation, the most valuable source of investment available for affordable housing developments, and leverages significant local investments from the City of Redmond.
- Project will allow a dependable, long-standing non-profit service provider to expand services into Redmond, building on a first successful project in Bellevue and expanding the availability of supportive housing within east King County

Proposed Conditions:

Standard Conditions:

1. Agency shall provide revised development and operating budgets based upon actual funding commitments, which must be approved by ARCH staff. If the Agency is unable to adhere to the budgets, ARCH must be immediately notified and (a) new budget(s) shall be submitted by the Agency for ARCH's approval. ARCH shall not unreasonably withhold its approval to (a) revised budget(s), so long as such new budget(s) does not materially adversely change the Project. This shall be a continuing obligation of the Agency. Failure to adhere to the budgets, either original or as amended may result in withdrawal of ARCH's commitment of funds.
2. Agency shall submit evidence of funding commitments from all proposed sources. In the event commitment of funds identified in the application cannot be secured in the timeframe identified in the application, the Agency shall immediately notify ARCH, and describe the actions it will undertake to secure alternative funding and the timing of those actions subject to ARCH review and approval.
3. In the event federal funds are used, and to the extent applicable, federal guidelines must be met, including but not limited to the following: contractor solicitation, bidding, and selection; wage rates; and Endangered Species Act (ESA) requirements. CDBG funds may not be used to refinance acquisition costs.

July 2024

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4. Agency shall maintain documentation of any necessary land use approvals and permits required by the city in which the project is located.
5. Agency shall submit quarterly monitoring reports through completion of the project, and annually thereafter, and shall submit a final budget upon project completion. If applicable, Agency shall submit initial tenant information as required by ARCH.
6. Agency shall maintain the project in good and habitable condition for the duration of the period of affordability.
7. ARCH, through its Administering Agency, may negotiate, approve, execute, and record amendments or releases of any ARCH loan documents as may be needed for the project; provided the project still provides the anticipated affordable housing and there is sufficient collateral to secure the members' financial investment, all as determined by ARCH staff.
8. The net developer fee shall be established at the time of finalizing the Contract Budget and will follow the ARCH Net Developer Fee Schedule. Net developer fee is defined as that portion of the developer fee paid out of capital funding sources and does not include the deferred portion which is paid out of cash flow from operations after being placed in service.
9. Agency must submit for ARCH staff approval a management, affirmative marketing, and services plan.

Special Conditions:

1. The funding commitment shall continue for **eighteen (18) months** from the date of Council approval and shall expire thereafter if all conditions are not satisfied. An extension may be requested to ARCH staff no later than sixty (60) days prior to the expiration date. At that time, the Agency will provide a status report on progress to date and expected schedule for start of construction and project completion. ARCH staff will consider a twelve-month extension only based on documented, meaningful progress in bringing the project to readiness or completion. At a minimum, the Agency will demonstrate that all capital funding has been secured or is likely to be secured within a reasonable timeframe.
2. Funds shall be used by Agency toward **reserves, soft costs, design, permits and construction**. Funds may not be used for any other purpose unless ARCH staff has given written authorization for the alternate use. If after the completion of the project there are budget line items with unexpended balances, ARCH and other public funders shall approve adjustments to the project capital sources, including potentially reductions in public fund loan balances.
3. Funds will be in the form of a **deferred loan**, so long as affordability and target population is maintained, and the service funds necessary to provide services to this population are available.

4. A covenant is recorded ensuring affordability for at least 55 years, with size and affordability distribution per the following table. Changes may be considered based on reasonable justification as approved by ARCH (e.g., accommodating income averaging across the units within the project).

Affordability	studio	1-bedroom	Total
30%	85	15	100
Total	85	15	100

5. Based on the availability of adequate support services, the project will contain 100 units for formerly homeless residents, unless otherwise approved by ARCH. Plymouth will work with service providers, municipal homeless services engagement staff, and other agencies working in East King County to establish referral mechanisms, or other referral method as approved by ARCH.
6. ARCH shall review and approve the services budget and services plan for consistency with application.
7. **The Agency will establish a services reserve account in the amount of no less than \$500,000 to be used in the event of shortfalls in project income to pay for necessary services expenses. A services reserve budget must be approved by ARCH at the close of permanent financing and will be monitored for consistency with the services plan ARCH will review.**
8. **If service funding decreases at any point during the term of the contract, Agency shall submit for review and approval a service plan which provides continuity of services within the project.**
9. **The Agency shall at all times keep the project compliant with the City of Redmond requirements for Supportive Housing properties for the duration of the period of affordability, so long as the property operates as a Supportive Housing property. This includes operating and maintaining the property according to the Operations Agreement, Safety & Security Plan, Community Relations Plan, and Code of Conduct necessary to achieve initial Certificate of Occupancy.**

Attachment 1: Proposed Funding Sources

	Original Award	2024 Recommended Funds
Bellevue	1,112,800	1,112,800
Bothell	66,100	66,100
Clyde Hill	17,800	17,800
Hunts Point	3,700	3,700
Issaquah	153,000	153,000
Kenmore	54,900	54,900
Kirkland	904,600	904,600
Medina	17,300	17,300
Mercer Island	59,100	59,100
Newcastle	84,300	84,300
Redmond	611,800	611,800
Sammamish	115,900	115,900
Woodinville	71,700	71,700
Yarrow Point	6,700	6,700
Local Funds	3,279,700	3,279,700
CDBG		
Award Totals	3,279,700	3,279,700

VIII. B. Approve the re-allocation of \$3,279,700 of existing ARCH Housing...

Attachment 2: Project Economic Summaries

Applicant: Plymouth Housing
Project Name: Redmond Supportive Housing
Location: 16725 Cleveland Street, Redmond, WA
Project Description: New construction of 100 affordable housing units for formerly homeless individuals at 30% area median income.

Source Name	Amount	Originally Committed	Proposed Status
Tax Credit Equity	\$28,747,728	\$0	Committed
State	\$7,178,000	\$0	Committed
Plymouth Sponsor Loan	\$1,410,699	\$0	Committed
Commercial (sponsor loan)	\$1,500,000	\$0	Committed
City of Redmond	\$8,900,000	\$5,090,000	Committed
ARCH	\$3,279,700	\$3,279,700	Proposed
FHLB	\$3,000,000	\$0	Proposed
CHIP	\$1,200,000	\$0	Proposed
Total Sources	\$55,216,127	\$8,369,700	

Development Cost	Amount	per unit	per SF
Acquisition Costs	\$ 5,730,000	\$57,300	\$90
Construction	\$34,016,413	\$355,164	\$560
Soft Costs:	\$5,787,912	\$57,879	\$91
Construction Financing	\$3,613,448	\$36,134	\$57
Permanent Financing	\$525,000	\$5,250	\$8
Capitalized Reserves	\$1,577,000	\$15,770	\$25
Other Development Costs	\$2,466,354	\$24,664	\$39
Commercial/Nonresidential Space	\$1,500,000	\$15,000	\$24
Total Dev. Costs	\$55,216,127	\$552,161	\$870



City Council Agenda Bill City of Kenmore, WA

Subject/Topic: Parking Requirements Near Transit Proposed Council Action/Motion: Motion to Adopt Ordinance No. 24-0609, relating to limiting parking requirements for low-income, senior, disable, and market-rate housing located near high-quality transit service. Amending Section 18.29.070 and Chapter 18.40 of the Kenmore Municipal Code and establishing an effective date.	For Council Meeting Agenda of: September 16, 2024 Department: Development Services Prepared by: Reilly Rosbotham, Planner <table border="0"><thead><tr><th></th><th><u>Initial & Date</u></th></tr></thead><tbody><tr><td>Approved by Department Head:</td><td><u>SL 9/3/24</u></td></tr><tr><td>Approved by City Attorney:</td><td><u>DR 8/30/24</u></td></tr><tr><td>Approved by Finance Director:</td><td><u>MM 9/2/24</u></td></tr><tr><td>Approved by City Manager:</td><td><u>RK 8/30/24</u></td></tr></tbody></table> Exhibits/Attachments: - Attachment 1: Ordinance No. 24-0609 - Attachment 2: Amendments to Section 18.29.070 and Chapter 18.40 of the Kenmore Municipal Code.		<u>Initial & Date</u>	Approved by Department Head:	<u>SL 9/3/24</u>	Approved by City Attorney:	<u>DR 8/30/24</u>	Approved by Finance Director:	<u>MM 9/2/24</u>	Approved by City Manager:	<u>RK 8/30/24</u>
	<u>Initial & Date</u>										
Approved by Department Head:	<u>SL 9/3/24</u>										
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Approved by Finance Director:	<u>MM 9/2/24</u>										
Approved by City Manager:	<u>RK 8/30/24</u>										
Summary: Pursuant to RCW 36.70A.620, the City desires to amend Section 18.29.070 and Chapter 18.40 of the Kenmore Municipal Code as set forth in Exhibit 2 (Parking Code Amendments) to comply with state law. The code amendments provide reduced parking requirements for residential developments near high-capacity transit, with specific reductions for affordable housing units and age-restricted senior housing units.											
Information/Background: In 2020 the Washington State Legislature adopted RCW 36.70A.620, which limits the amount of parking that can be required by counties and cities for low-income, senior, disabled, and market-rate housing units located near high-quality transit service. "High quality transit service" generally means transit stops that receive transit service multiple times per hour for twelve or more hours per day. Subsequently, the Washington State Department of Commerce (Commerce) has interpreted RCW 36.70A.620 to mean that counties and cities may require up to one parking space per bedroom for market-rate multifamily housing and housing affordable to low- and very low-income households or may opt to require less parking for such housing. Cities and counties are prohibited from requiring parking for residents of housing for seniors or people with disabilities, but may require parking for staff and visitors, and may increase the parking requirement to one (1) space per dwelling unit if the City determines that a particular housing unit to be in an area with a lack of access to street parking capacity or there are physical space impediments.											

Pursuant to RCW 36.70A.620, the City desires to amend Section 18.29.070 and Chapter 18.40 of the Kenmore Municipal Code as set forth in Exhibit 2 (Parking Code Amendments) to comply with state law.

This ordinance was brought forth to City Council for approval on July 26, 2021. The council passed a motion by Councilmember Pfeil to return the ordinance for an internal diversity, equity, inclusion, and accessibility (DEIA) review. Below is a summary of how the DEIA toolkit was used as part of this code update (and others):

The City of Kenmore Equity Framework tool was used to evaluate the DEIA impacts of the proposed code amendment. The code amendments were evaluated based on the following criteria in the Equity Framework Tool:

- Awareness of Bias and Assumptions
- Understanding of Impacted Groups
- Consideration of Marginalized Populations
- Evidence-Based Decision Making
- Mitigation of Unintended Consequences
- Benefit and Burden Analysis

The code amendments were found to generally have positive impacts on diversity, equity, inclusion, and accessibility, as they will remove barriers to developing housing near transit, affordable housing, housing for seniors, and housing for people with disabilities.

Fiscal Consideration:

N/A

City Council Priority or Budget Objective Being Addressed:

City Council Priority #1: Increase and preserve the options for affordable housing.

City Council Priority #2: Implement the adopted Climate Action Plan and promote environmental stewardship, including water, air, forest, and habitat restoration and preservation.

City Council Priority #5: Implement the Diversity, Equity, Inclusion, and Accessibility (DEIA) Strategic Plan.

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 24-0609**

**AN ORDINANCE OF THE CITY OF KENMMORE, WASHINGTON,
AMENDING SECTION 18.29.070 AND CHAPTER 18.40 OF THE
KENMORE MUNICIPAL CODE TO LIMIT PARKING REQUIREMENTS
FOR LOW-INCOME, SENIOR, DISABLED AND MARKET-RATE
HOUSING LOCATED NEAR HIGH-QUALITY TRANSIT SERVICE
CONSISTENT WITH STATE LAW; PROVIDING FOR SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the Washington State Legislature adopted RCW 36.70A.620, which limits the amount of parking that can be required by counties and cities for low-income, senior, disabled, and market-rate housing units located near high-quality transit service; and

WHEREAS, the Washington State Department of Commerce (Commerce) has interpreted RCW 36.70A.620 to mean that counties and cities may require up to one parking space per bedroom for market-rate multifamily housing and housing affordable to low- and very low-income households, or may opt to require less parking for such housing; and

WHEREAS, Commerce has also interpreted RCW 36.70A.620 to mean that for housing for seniors or people with disabilities, cities and counties are prohibited from requiring parking for residents, but may require parking for staff and visitors, among other things; and

WHEREAS, pursuant to RCW 36.70A.620, the City desires to amend Section 18.29.070 of the Kenmore Municipal Code (KMC), and Chapter 18.40 KMC, as set forth in Exhibit A (Parking Code Amendments) to comply with state law; and

WHEREAS, on June 7, 2021, the City's SEPA Responsible Official issued a threshold determination on nonsignificance for the Parking Code Amendments, and the City received no comments relating to the same; and

WHEREAS, pursuant to RCW 36.70A.106, the City notified Commerce of the proposed Parking Code Amendments; and

WHEREAS, on July 26, 2021, the City Council held a public hearing on the proposed Parking Code Amendments, and duly considered the same; and

WHEREAS, on September 16, 2024, the City Council held a public hearing on the proposed Parking Code Amendments, and duly considered the same; and

WHEREAS, the City Council desires to meet the mandates of state law and to adopt the proposed Parking Code Amendments in compliance with RCW 36.70A.620;

WHEREAS, the City Council finds that the proposed Parking Code Amendments will benefit the public health and welfare of its residents;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Amendment. The City Council amends Section 18.29.070 of the Kenmore Municipal Code as set forth in Exhibit A, attached hereto and incorporated by reference as if set forth in full.

Section 2. Amendment. The City Council amends Chapter 18.40 of the Kenmore Municipal Code as set forth in Exhibit A.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall be published in the City's newspaper of record, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A MEETING THEREOF ON THE 16TH DAY OF SEPTEMBER, 2024.

CITY OF KENMORE

Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

Anastasiya Warhol, City Clerk

Approved as to form:

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
ORDINANCE NO.: 24-0609
DATE OF PUBLICATION:
EFFECTIVE DATE:

EXHIBIT A TO ORDINANCE 24-0609**I. KMC 18.29.070 is amended to read as follows:****18.29.070 Parking.**

Parking in the TOD district overlay should be sufficient to support local businesses and residential development, while at the same time promoting transit ridership, walkable streets, and efficient use of land. Proposed development choosing to develop under the TOD district overlay shall provide parking as follows:

A. Minimum parking requirements for nonresidential uses may be reduced to 75 percent of the minimum requirement computed according to the provisions of KMC [18.40.030](#).

B. Minimum residential parking shall be supplied at the following ratios provided in KMC [18.40.055](#):

1. ~~1.0 parking spaces per m~~Market-rate dwelling unit, exception as follows:
 - a. Pioneer Project Incentive. For purposes of this section, a pioneer project consists of the first 100 bonus housing units provided in the city under the TOD district overlay regulations. The first 100 bonus housing units in a pioneer project(s) may elect to provide parking spaces for market rate bonus units at 0.6 parking spaces per dwelling unit.
2. ~~Except as otherwise provided in KMC 18.40.055,~~ 1.0 additional parking space per every five market rate dwelling units shall be provided and designated as guest parking for use by all guests.
- ~~3. 0.6 parking spaces per dwelling unit for affordable or senior dwelling units.~~
- ~~4. Affordable housing shall be as defined under KMC [18.29.060](#). Senior housing shall be defined as housing restricted to those meeting the definition of "senior citizen" as found in KMC [18.20.2500](#).~~

C. The following factors shall count towards minimum parking standards for residential and nonresidential development:

1. On-street parking immediately adjoining a property proposed for development or provided as part of the proposed development may be counted toward the minimum parking requirement.
2. Minimum on-site parking may be reduced further by provisions of KMC [18.40.090](#)(B) for properties within the TOD district overlay that meet the requirements of KMC [18.40.090](#)(B) for accessibility to high frequency transit service.

3. Shared parking among uses is encouraged within the TOD district overlay. Developments that propose shared parking arrangements shall submit a parking management plan as defined in KMC [18.20.1995](#) that describes the terms and conditions of shared parking arrangements on site.

D. Parking Provided in Excess of Minimum. Provision of parking in excess of the minimum parking requirements outlined in subsections A and B of this section shall require the excess parking be included in a structured parking garage, or under building and screened from the street frontage, unless the additional parking is associated with a phased, mixed use development, is interim in nature, and is temporarily located on land reserved for future phases not yet built.

E. Maximum parking within the TOD district overlay shall not exceed the minimum requirement calculated under the provisions of KMC [18.40.030](#).

1. Applicants may be allowed to exceed the maximum parking if the applicant can produce a parking study that demonstrates probable on-site parking needs that are significantly higher than similar uses. This traffic study shall be subject to review by the city manager before approval for additional parking is granted. All parking granted in excess of the maximum shall be provided in a structured parking garage or under building and screened from the street frontage.

F. All other parking requirements shall be as provided in Chapter [18.40](#) KMC.

II. Chapter 18.40 KMC is amended to read as follows:

Chapter 18.40 DEVELOPMENT STANDARDS – PARKING AND CIRCULATION

Sections:

- 18.40.010 Purpose.**
- 18.40.020 Authority and application.**
- 18.40.030 Computation of required off-street parking spaces.**
- 18.40.035 Parking in the urban residential zone, downtown commercial zone east of 73rd Avenue NE, public and semi-public zone abutting SR-522, and the urban corridor zone, east subarea.**
- 18.40.038 Exceedance of minimum parking – Downtown commercial zone, downtown residential zone, urban corridor zone, east subarea, and urban residential zone.**
- 18.40.040 Shared parking requirements.**
- 18.40.050 Exceptions for community residential facilities (CRF) and senior citizen assisted living.**
- 18.40.055 Parking for certain types of development served by transit.**
- 18.40.060 Parking for the disabled.**
- 18.40.070 Loading space and loading dock requirements.**
- 18.40.080 Stacking spaces for drive-through facilities.**

- 18.40.090 Transit and rideshare provisions.
- 18.40.100 Pedestrian and bicycle circulation and access.
- 18.40.110 Off-street parking plan design standards.
- 18.40.120 Off-street parking construction standards.
- 18.40.130 Compact car allowance requirements.
- 18.40.140 Internal circulation road standards.

* * *

18.40.030 Computation of required off-street parking spaces.

A. Except as modified in KMC 18.40.035, 18.40.040, 18.40.050, 18.40.055 or 18.40.090, off-street parking areas shall contain at a minimum the number of *parking spaces* as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include but are not limited to building maintenance areas, storage areas, closets, restrooms and exterior walls. If the formula for determining the number of off-street *parking spaces* results in a fraction, the number of off-street *parking spaces* shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
RESIDENTIAL:		
<i>Single detached dwelling unit</i>	2.0 per <i>dwelling unit</i>	2.0 per <i>dwelling unit</i> ; tandem stalls permitted
<i>Townhouse</i>	2.0 per <i>dwelling unit</i>	1.5 per <i>dwelling unit</i> ; tandem stalls permitted
Guest parking	1 space for every 5 units	1 space for every 5 units
<i>Apartment:</i>		
<i>Microhousing dwelling unit</i>	Within 1/4 mile of SR-522: 0.75 per dwelling unit. Otherwise, 1.2 per dwelling unit	Within 1/4 mile of SR-522: 0.75:du. Otherwise, 1.0:du. Tandem stalls permitted
Studio unit	1.2 per <i>dwelling unit</i>	1.0:du; tandem stalls permitted
One-bedroom unit	1.5 per <i>dwelling unit</i>	1.0:du; tandem stalls permitted
Two-bedroom unit	1.7 per <i>dwelling unit</i>	1.5:du; tandem stalls permitted

LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
Three-bedroom unit or larger	2.0 per <i>dwelling unit</i>	1.7:du; tandem stalls permitted
Guest parking	1 space for every 5 units	1 space for every 5 units
<i>Manufactured housing community</i>	2.0 per <i>dwelling unit</i>	2.0 per <i>dwelling unit</i>
<i>Senior citizen assisted living</i>	1 per 2 dwelling or sleeping units	1 per 2 dwelling or sleeping units
<i>Community residential facility</i>	1 per 2 bedrooms	1 per 2 bedrooms
Dormitory, including religious	1 per 2 bedrooms	1 per 2 bedrooms
<i>Hotel/motel</i>	1 per bedroom	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility	1 per guest room, plus 2 per facility
Other residential land uses	(<i>city manager</i>)	(<i>city manager</i>)
RECREATIONAL/CULTURAL:		
<i>Recreational/cultural land uses</i>	1 per 300 square feet	1 per 300 square feet
Exceptions:		
Bowling center	5 per lane	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of clubhouse facilities	–
Tennis club	4 per tennis court, plus 1 per 300 square feet of clubhouse facility	–
Golf driving range	1 per tee	–
<i>Park/playfield</i>	(<i>city manager</i>)	(<i>city manager</i>)
Theater	1 per 3 fixed seats	1 per 3 fixed seats
<i>Conference center</i>	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces

LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
<i>Artist studio</i>	0.9 per 1,000 square feet of area used for studios	0.9 per 1,000 square feet of area used for studios
GENERAL SERVICES:		
<i>General services land uses</i>	1 per 300 square feet	1 per 300 square feet
Exceptions:		
<i>Funeral home/crematory</i>	1 per 50 square feet of chapel area	–
<i>Day care I</i>	2 per facility	2 per facility
<i>Day care II</i>	2 per facility, plus 1 space for each 20 children	2 per facility, plus 1 space for each 20 children
<i>Religious institution</i>	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and veterinary clinic office	1 per 300 square feet of office, labs and examination rooms	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care facility	1 per 4 beds	–
<i>Hospital</i>	1 per bed	1 per bed
Elementary school	1 per <i>school classroom</i> , plus 1 per 50 students	1 per <i>school classroom</i> , plus 1 per 50 students
Secondary schools:		
Middle/junior high school	1 per <i>school classroom</i> , plus 1 per 50 students	1 per <i>school classroom</i> , plus 1 per 50 students
High school	1 per <i>school classroom</i> , plus 1 per 10 students	1 per <i>school classroom</i> , plus 1 per 10 students
High school with stadium	Greater of 1 per <i>school classroom</i> , plus 1 per 10 students, or 1 per 3 fixed seats in stadium	Greater of 1 per <i>school classroom</i> , plus 1 per 10 students, or 1 per 3 fixed seats in stadium
<i>Vocational school</i>	1 per <i>school classroom</i> , plus 1 per 5 students	1 per <i>school classroom</i> , plus 1 per 5 students

LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
<i>Specialized instruction school</i>	1 per school classroom, plus 1 per 2 students	1 per school classroom, plus 1 per 2 students
<i>College/university</i>	1 per 2 commuting students, faculty and staff	–
GOVERNMENT/BUSINESS SERVICES:		
<i>Government/business services land uses</i>	1 per 300 square feet	1 per 300 square feet
Exceptions:		
<i>Public agency yard</i>	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas	–
<i>Public agency archive</i>	0.9 per 1,000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas	–
Court	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
<i>Fire or police facility</i>	(city manager)	(city manager)
<i>Construction and trade</i>	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
<i>Warehousing and storage</i>	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
<i>Self-service storage</i>	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Outdoor advertising services	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area	–
<i>Heavy equipment repair</i>	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas	–
RETAIL/WHOLESALE:		

LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
<i>Retail land uses</i>	1 per 300 square feet	1 per 300 square feet
Exceptions:		
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet	3 plus 1 per 350 square feet
<i>Vehicle refueling stations w/o grocery</i>	3 per facility, plus 1 per service bay	3 per facility, plus 1 per service bay
<i>Vehicle refueling stations w/grocery, no service bays</i>	1 per facility, plus 1 per 300 square feet of store	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas	1 per 75 square feet in dining or lounge areas
<i>Wholesale trade uses</i>	0.9 per 1,000 square feet	0.9 per 1,000 square feet
<i>Retail sales and wholesale trade mixed use</i>	1 per 300 square feet	1 per 300 square feet
MANUFACTURING:		
<i>Manufacturing land uses</i>	0.9 per 1,000 square feet	–
Exceptions:		
Winery/brewery	0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area	–
RESOURCES:		
<i>Resource land uses</i>	(city manager)	–
REGIONAL:		
<i>Regional land uses</i>	(city manager)	(city manager)

B. An *applicant* may request a modification of the minimum required number of *parking spaces* by providing a parking demand analysis demonstrating that parking demand can be met with a reduced parking requirement. In such cases, the *city manager* may approve a reduction of up to 50 percent of the minimum required number of spaces.

C. When the *City* has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or *uses* authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible uses results

in different parking requirements, the *city manager* will establish the amount of parking based on a likely range of *uses*.

D. Where other provisions of this code stipulate maximum parking allowed or reduced minimum parking requirements, those provisions shall apply.

E. In any *development* required to provide six or more *parking spaces*, bicycle parking shall be provided. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified.

1. Off-street parking areas shall contain at least one bicycle parking space for every 12 spaces required for motor vehicles except as follows:

a. The *city manager* may reduce bike rack parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location.

b. The *city manager* may require additional spaces when it is determined that the *use* or its location will generate a high volume of bicycle activity. Such a determination will include but not be limited to the following *uses*:

(1) *Park/playfield*;

(2) *Marina*;

(3) *Library/museum/arboretum*;

(4) *Elementary/secondary school*;

(5) *Sports club*; or

(6) *Retail business* (when located along a developed bicycle *trail* or designated bicycle route).

2. Bicycle facilities for patrons shall be located within 100 feet of the building entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a *structure* attached to the pavement.

3. All bicycle parking and storage shall be located in safe, visible areas that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

4. When more than 10 people are employed on-site, enclosed locker-type parking facilities for employees shall be provided. The *city manager* shall allocate the required number of parking spaces between bike rack parking and enclosed locker-type parking facilities.

5. One indoor bicycle storage space shall be provided for every two *dwelling units* in *townhouse* and *apartment* residential *uses*, unless individual garages are provided

for every unit. The *city manager* may reduce the number of bike rack parking spaces if *indoor storage* facilities are available to all residents.

F. Exceedance of Minimum Parking – Zones Other Than Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE. Provision of parking shall not exceed 30 percent more than the minimum parking requirements unless the excess parking spaces are included in a structured parking garage, or under building and screened from the street frontage, unless the additional parking is associated with a phased, mixed use development and is interim in nature.

G. Tree Retention – DC and DR Zones. Where an applicant proposes retention of *trees* in accordance with KMC [18.35.100](#)(G) in the DC and DR zones, the *city manager* may reduce parking requirements by one *parking space* for every two *significant trees* that are saved in excess of the significant tree ordinance requirements.

H. Critical Area or Buffer Protection. When unavoidable, the *city manager* may reduce minimum parking requirements in order to maximize the protection of a *critical area* or its *buffer*. The reduction in the number of parking stalls or alternative stall or drive aisle dimensional requirements shall be in proportion to the area to be retained in the *buffer* or *critical area*.

* * *

18.40.050 Exceptions for community residential facilities (CRF) and senior citizen assisted living.

A. The minimum requirement of one off-street *parking space* per two bedrooms for *CRFs* and one off-street *parking space* per two *senior citizen assisted living* units may be reduced by up to 50 percent, as determined by the *city manager* based on the following considerations:

1. Availability of *private*, convenient transportation services to meet the needs of the residents;
2. Accessibility to and frequency of public transportation; and
3. Pedestrian access to health, medical, and shopping facilities.

B. If a *CRF* facility or *senior citizen assisted living* facility is no longer used for such purposes, additional off-street *parking spaces* shall be required in compliance with this chapter prior to the issuance of a new certificate of occupancy.

C. The parking requirements of KMC 18.40.055, if applicable, shall apply.

18.40.055 Parking for certain types of development served by transit.

Affordable housing shall be as defined under KMC 18.20.098. Housing for seniors shall be defined as housing restricted to those meeting the definition of “senior citizen” as found in KMC 18.20.2500.

Notwithstanding any other provision in this title, the following types of development shall have the following parking requirements:

A. Transit serving *very low-income affordable housing units* and *extremely low-income affordable housing units*:

1. For *very low-income affordable housing units* or *extremely low-income affordable housing units* that are located within one-quarter mile (1,320 feet), as measured linearly along *streets* or other pedestrian pathways, of a transit stop that receives transit service at least two times per hour for twelve or more hours per day, residential parking requirements shall be no greater than 0.6 spaces per unit.

2. The *city manager* may require a *developer* to record a covenant that prohibits the rental of units subject to this parking restriction for any purpose other than providing for *very low-income affordable housing units* or *extremely low-income affordable housing units*. The covenant must address price restrictions and household income limits and policies if the property is converted to a use other than for such low-income housing, as part of an affordability agreement pursuant to KMC 18.77.050.

3. The *city manager* may require more than 0.6 spaces per unit. If the *city manager* determines that particular *very low-income affordable housing units* or *extremely low-income affordable housing units* are located in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for such units.

B. Transit serving market rate multifamily *dwelling units*.

1. For market rate multifamily *dwelling units* that are located within one-quarter mile (1,320 feet), as measured linearly along *streets* or other pedestrian pathways, of a transit stop that receives transit service from at least one route that provides service at least four times per hour for twelve or more hours per day, residential parking requirements shall be no greater than 0.75 spaces per unit.

2. The *city manager* may require a *developer* to provide more than 0.75 spaces per unit if the *city manager* has determined a particular *dwelling unit* to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the *dwelling unit*.

C. Transit serving multifamily housing for seniors or people with disabilities.

1. For multifamily *developments* specifically for housing seniors or people with disabilities that are located within one-quarter mile (1,320 feet), as measured linearly along *streets* or other pedestrian pathways, of a transit stop that receives transit service at least four times per hour for twelve or more hours per day, there shall be no minimum residential parking requirements for the residents of such *dwelling units*. Housing for seniors shall be defined as housing restricted to those meeting the definition of *senior citizen* as found in KMC 18.20.2500.

2. As an exception to KMC 18.40.055.C.1, the *city manager* may require one or more parking spaces per bedroom for housing for seniors or people with disabilities if the *city manager* determines a particular unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit.

3. The *city manager* may require parking for staff and visitors of such multifamily housing for seniors or people with disabilities, consistent with the requirements of this title.

4. The *city manager* may require a *developer* to record a covenant that prohibits the rental of such units subject to the parking restriction of this section for any purpose other than providing for housing for seniors or people with disabilities, as part of an affordability agreement pursuant to KMC 18.77.050.

18.40.060 Parking for the disabled.

Off-street parking and access for physically disabled persons shall be provided in accordance with the regulations adopted pursuant to Chapter 19.27 RCW, State Building Code, KMC 18.40.055, and Chapter 70.92 RCW, Public Buildings – Provisions for Aged and Disabled. See Chapter 11 of the International Building Code as adopted by the *City*.

* * *

18.40.110 Off-street parking plan design standards.

A. Off-street parking areas shall not be located more than 600 feet from the *building* they are required to serve for all *uses* except those specified as follows; where an off-street parking area does not abut the *building* it serves, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:

1. For all single detached dwellings the *parking spaces* shall be located on the same *lot* they are required to serve;
2. For all other residential dwellings at least a portion of parking areas shall be located within 150 feet from the *building* or *building(s)* they are required to serve;
3. For all nonresidential *uses* permitted in residential zones, the *parking spaces* shall be located on the same *lot* they are required to serve and at least a portion of parking areas shall be located within 150 feet from the nearest building entrance they are required to serve;
4. In the community business and neighborhood business zones, parking lots shall be located to the rear or sides of *buildings*. Relief from this subsection (A)(4) may be granted by the *city manager* only if the *applicant* can demonstrate that there is no practical site design to meet this requirement. The *city manager* may allow only the number of *parking spaces* that cannot be accommodated to the rear or sides of *buildings* to be located to the front of *buildings*;

5. Parking lots shall be so arranged as to permit the internal circulation of vehicles between parking aisles without re-entering adjoining public streets; and

6. Parking for the disabled shall be provided in accordance with KMC [18.40.060](#).

B. The minimum *parking space* and aisle dimensions for the most common parking angles are shown on the table in this subsection. For parking angles other than those shown on the chart, the minimum *parking space* and aisle dimensions shall be determined by the *city manager*. Regardless of the parking angle, one-way aisles shall be at least 10 feet wide, and two-way aisles shall be at least 20 feet wide. If dead-end aisles are used in the parking layout, they shall be constructed as two-way aisles. Parking plans for angle parking shall use space widths no less than eight feet, six inches for a standard *parking space* design and eight feet for a compact car *parking space* design.

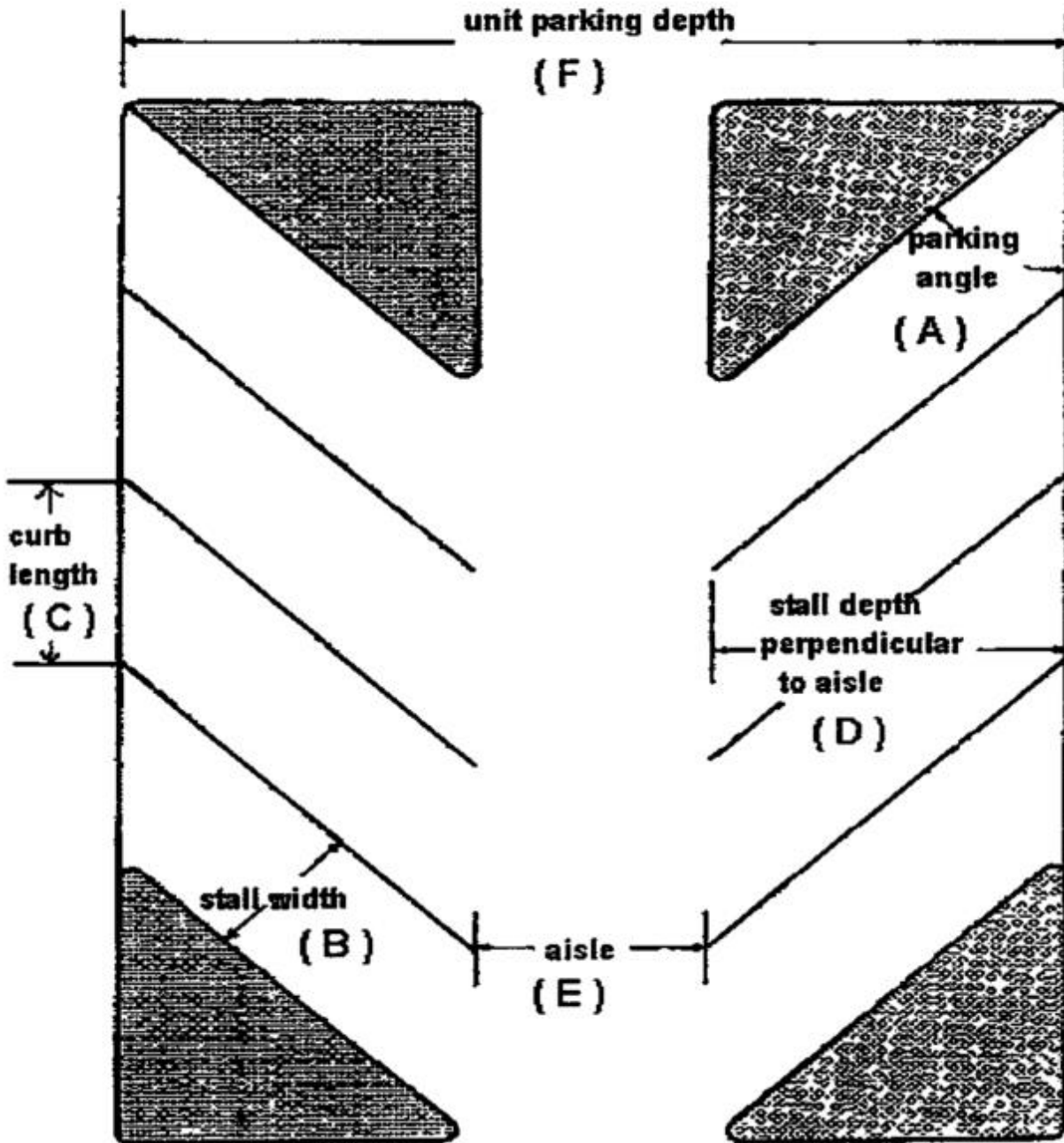
MINIMUM PARKING STALL AND AISLE DIMENSIONS

A PARKING ANGLE	B STALL WIDTH	C CURB LENGTH	D STALL DEPTH	E AISLE WIDTH		F UNIT DEPTH	
				1-WAY	2-WAY	1-WAY	2-WAY
0	8.0*	20.0*	8.0	12.0	20.0	**	**
	Min 8.5	22.5	8.5	12.0	20.0	29.0	37.0
	Desired 9.0	22.5	9.0	12.0	20.0	30.0	38.0
30	8.0*	16.0*	15.0	10.0	20.0	**	**
	Min 8.5	17.0	16.5	10.0	20.0	42.0	53.0
	Desired 9.0	18.0	17.0	10.0	20.0	44.0	54.0
45	8.0*	11.5*	17.0*	12.0	20.0	**	**
	Min 8.5	12.0		12.0	20.0	50.0	58.0
	Desired 9.0	12.5		12.0	20.0	51.0	59.0
60	8.0*	9.6*	18.0	18.0	20.0	**	**
	Min 8.5	10.0	20.0	18.0	20.0	58.0	60.0
	Desired 9.0	10.5	21.0	18.0	20.0	60.0	62.0
90	8.0*	8.0*	16.0*	24.0	24.0	**	**
	Min 8.5	8.5	18.0	24.0	24.0	60.0	60.0
	Desired 9.0	9.0	18.0	23.0	24.0	60.0	60.0

* for compact stalls only

** variable with compact and standard combinations

NOMENCLATURE OF OFF-STREET PARKING AREA



C. Any *parking spaces* abutting a required landscaped area on the driver or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement to provide a place to step other than in the landscaped area. The additional width shall be separated from the adjacent *parking space* by a parking space division stripe.

D. The *parking space* depth may be reduced if vehicles overhang a walkway or landscaping under the following conditions:

1. Wheel stops or curbs are installed;
2. The remaining walkway provides a minimum of 48 inches of unimpeded passageway for pedestrians;
3. The amount of space depth reduction is limited to a maximum of 18 inches; and
4. Landscaping is designed in accordance with KMC [18.35.070](#)(E).

E. Driveways providing ingress and egress between off-street parking areas and abutting *streets* shall be designed, located and constructed in accordance with the provisions of Chapter [12.50](#) KMC, Road Standards. ~~Driveways for single detached dwelling units, no more than 20 feet in width, may cross required setbacks or landscaped areas to provide access between the off-street parking areas and the street, provided no more than 15 percent of the required landscaping or setback area is eliminated by the driveway. Joint use driveways may be located within required landscaping or setback areas. Driveways for all other developments may cross or be located within required setbacks or landscaped areas to provide access between the off-street parking areas and the street, if no more than 10 percent of the required landscaping is displaced by the driveway and the driveway is located no closer than five feet from any property line except where intersecting the street.~~

F. *Parking spaces* required under this title shall be located as follows:

1. For *single detached dwelling units* the required *parking spaces* shall be outside of any required *setbacks* or *landscaping*, but driveways crossing *setbacks* and required *landscaping* may be used for parking. However, if the driveway is a *joint use driveway*, no vehicle parked on the driveway shall obstruct any joint user's access to the driveway or *parking spaces*;
2. For all other *developments*, *parking spaces* may be permitted by the *city manager* in *setback* areas in accordance with an approved landscape plan; and
3. For nonresidential *uses* in residential zones, parking is permitted in *setback* areas in accordance with KMC [18.21.060](#).

G. Lighting shall be provided for safety of traffic and pedestrian circulation on the *site*. It shall be designed to minimize direct illumination of abutting properties and adjacent *streets*. The *city manager* shall have the authority to waive the requirement to provide lighting.

H. Tandem or end-to-end parking is allowed in residential *developments*. *Apartment* or *townhouse developments* may have tandem parking areas for each *dwelling unit* but shall not combine parking for separate *dwelling units* in tandem parking areas.

I. All vehicle parking and storage must be in a garage, carport or on an approved *impervious surface*. Any *impervious surface* used for vehicle parking or storage must have direct and unobstructed driveway access.

J. The total number of vehicles parked or stored outside of a *building* on a single-family *lot* in the R-4 through R-6 zones, excluding *recreational vehicles* and trailers, shall not exceed six vehicles on *lots* 12,500 square feet or less and eight vehicles on *lots* greater than 12,500 square feet.

K. Vanpool or carpool parking areas shall meet the following minimum design standards:

1. A minimum vertical clearance of seven feet, three inches shall be provided to accommodate van vehicles if designated vanpool or carpool *parking spaces* are located in a parking structure; and
2. A minimum turning radius of 26 feet, four inches with a minimum turning diameter, curb to curb, of 52 feet, five inches shall be provided from parking aisles to adjacent carpool or vanpool *parking spaces*.

L. Direct access from the *street* right-of-way to off-street parking areas shall be subject to KMC [18.45.070](#).

M. No dead-end *alley* may provide access to more than eight off-street *parking spaces*.

N. Any parking stalls located in enclosed *buildings* must be totally within the enclosed *building*.

* * *



City Council Agenda Bill City of Kenmore, WA

Subject/Topic: Parking Requirements
Near Transit

For Council Meeting Agenda of: September
16, 2024

Department: Development Services

Prepared by: Reilly Rosbotham, Planner

Initial &

Date

Approved by Department Head: SL 9/3/24

Approved by City Attorney: DR 8/30/24

Approved by Finance Director: MM 9/2/24

Approved by City Manager: RK 8/30/24

Proposed Council Action/Motion:

Motion to Adopt Ordinance No. 24-0609, relating to limiting parking requirements for low-income, senior, disable, and market-rate housing located near high-quality transit service. Amending Section 18.29.070 and Chapter 18.40 of the Kenmore Municipal Code and establishing an effective date.

Exhibits/Attachments:

- Attachment 1: Ordinance No. 24-0609
- Attachment 2: Amendments to Section 18.29.070 and Chapter 18.40 of the Kenmore Municipal Code.

Summary:

Pursuant to RCW 36.70A.620, the City desires to amend Section 18.29.070 and Chapter 18.40 of the Kenmore Municipal Code as set forth in Exhibit 2 (Parking Code Amendments) to comply with state law. The code amendments provide reduced parking requirements for residential developments near high-capacity transit, with specific reductions for affordable housing units and age-restricted senior housing units.

Information/Background:

In 2020 the Washington State Legislature adopted RCW 36.70A.620, which limits the amount of parking that can be required by counties and cities for low-income, senior, disabled, and market-rate housing units located near high-quality transit service. "High quality transit service" generally means transit stops that receive transit service multiple times per hour for twelve or more hours per day. Subsequently, the Washington State Department of Commerce (Commerce) has interpreted RCW 36.70A.620 to mean that counties and cities may require up to one parking space per bedroom for market-rate multifamily housing and housing affordable to low- and very low-income households or may opt to require less parking for such housing. Cities and counties are prohibited from requiring parking for residents of housing for seniors or people with disabilities, but may require parking for staff and visitors, and may increase the parking requirement to one (1) space per dwelling unit if the City determines that a particular housing unit to be in an area with a lack of access to street parking capacity or there are physical space impediments.

Pursuant to RCW 36.70A.620, the City desires to amend Section 18.29.070 and Chapter 18.40 of the Kenmore Municipal Code as set forth in Exhibit 2 (Parking Code Amendments) to comply with state law.

This ordinance was brought forth to City Council for approval on July 26, 2021. The council passed a motion by Councilmember Pfeil to return the ordinance for an internal diversity, equity, inclusion, and accessibility (DEIA) review. Below is a summary of how the DEIA toolkit was used as part of this code update (and others):

The City of Kenmore Equity Framework tool was used to evaluate the DEIA impacts of the proposed code amendment. The code amendments were evaluated based on the following criteria in the Equity Framework Tool:

- Awareness of Bias and Assumptions
- Understanding of Impacted Groups
- Consideration of Marginalized Populations
- Evidence-Based Decision Making
- Mitigation of Unintended Consequences
- Benefit and Burden Analysis

The code amendments were found to generally have positive impacts on diversity, equity, inclusion, and accessibility, as they will remove barriers to developing housing near transit, affordable housing, housing for seniors, and housing for people with disabilities.

Fiscal Consideration:

N/A

City Council Priority or Budget Objective Being Addressed:

City Council Priority #1: Increase and preserve the options for affordable housing.

City Council Priority #2: Implement the adopted Climate Action Plan and promote environmental stewardship, including water, air, forest, and habitat restoration and preservation.

City Council Priority #5: Implement the Diversity, Equity, Inclusion, and Accessibility (DEIA) Strategic Plan.

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 24-0609**

**AN ORDINANCE OF THE CITY OF KENMMORE, WASHINGTON,
AMENDING SECTION 18.29.070 AND CHAPTER 18.40 OF THE
KENMORE MUNICIPAL CODE TO LIMIT PARKING REQUIREMENTS
FOR LOW-INCOME, SENIOR, DISABLED AND MARKET-RATE
HOUSING LOCATED NEAR HIGH-QUALITY TRANSIT SERVICE
CONSISTENT WITH STATE LAW; PROVIDING FOR SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the Washington State Legislature adopted RCW 36.70A.620, which limits the amount of parking that can be required by counties and cities for low-income, senior, disabled, and market-rate housing units located near high-quality transit service; and

WHEREAS, the Washington State Department of Commerce (Commerce) has interpreted RCW 36.70A.620 to mean that counties and cities may require up to one parking space per bedroom for market-rate multifamily housing and housing affordable to low- and very low-income households, or may opt to require less parking for such housing; and

WHEREAS, Commerce has also interpreted RCW 36.70A.620 to mean that for housing for seniors or people with disabilities, cities and counties are prohibited from requiring parking for residents, but may require parking for staff and visitors, among other things; and

WHEREAS, pursuant to RCW 36.70A.620, the City desires to amend Section 18.29.070 of the Kenmore Municipal Code (KMC), and Chapter 18.40 KMC, as set forth in Exhibit A (Parking Code Amendments) to comply with state law; and

WHEREAS, on June 7, 2021, the City's SEPA Responsible Official issued a threshold determination on nonsignificance for the Parking Code Amendments, and the City received no comments relating to the same; and

WHEREAS, pursuant to RCW 36.70A.106, the City notified Commerce of the proposed Parking Code Amendments; and

WHEREAS, on July 26, 2021, the City Council held a public hearing on the proposed Parking Code Amendments, and duly considered the same; and

WHEREAS, on September 16, 2024, the City Council held a public hearing on the proposed Parking Code Amendments, and duly considered the same; and

WHEREAS, the City Council desires to meet the mandates of state law and to adopt the proposed Parking Code Amendments in compliance with RCW 36.70A.620;

WHEREAS, the City Council finds that the proposed Parking Code Amendments will benefit the public health and welfare of its residents;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Amendment. The City Council amends Section 18.29.070 of the Kenmore Municipal Code as set forth in Exhibit A, attached hereto and incorporated by reference as if set forth in full.

Section 2. Amendment. The City Council amends Chapter 18.40 of the Kenmore Municipal Code as set forth in Exhibit A.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall be published in the City's newspaper of record, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A MEETING THEREOF ON THE 16TH DAY OF SEPTEMBER, 2024.

CITY OF KENMORE

Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

Anastasiya Warhol, City Clerk

Approved as to form:

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
ORDINANCE NO.: 24-0609
DATE OF PUBLICATION:
EFFECTIVE DATE:

EXHIBIT A TO ORDINANCE 24-0609**I. KMC 18.29.070 is amended to read as follows:****18.29.070 Parking.**

Parking in the TOD district overlay should be sufficient to support local businesses and residential development, while at the same time promoting transit ridership, walkable streets, and efficient use of land. Proposed development choosing to develop under the TOD district overlay shall provide parking as follows:

A. Minimum parking requirements for nonresidential uses may be reduced to 75 percent of the minimum requirement computed according to the provisions of KMC [18.40.030](#).

B. Minimum residential parking shall be supplied at the following ratios provided in KMC [18.40.055](#):

1. ~~1.0 parking spaces per m~~Market-rate dwelling unit, exception as follows:

a. Pioneer Project Incentive. For purposes of this section, a pioneer project consists of the first 100 bonus housing units provided in the city under the TOD district overlay regulations. The first 100 bonus housing units in a pioneer project(s) may elect to provide parking spaces for market rate bonus units at 0.6 parking spaces per dwelling unit.

2. ~~Except as otherwise provided in KMC 18.40.055,~~ 1.0 additional parking space per every five market rate dwelling units shall be provided and designated as guest parking for use by all guests.

~~3. 0.6 parking spaces per dwelling unit for affordable or senior dwelling units.~~

~~4. Affordable housing shall be as defined under KMC [18.29.060](#). Senior housing shall be defined as housing restricted to those meeting the definition of "senior citizen" as found in KMC [18.20.2500](#).~~

C. The following factors shall count towards minimum parking standards for residential and nonresidential development:

1. On-street parking immediately adjoining a property proposed for development or provided as part of the proposed development may be counted toward the minimum parking requirement.

2. Minimum on-site parking may be reduced further by provisions of KMC [18.40.090](#)(B) for properties within the TOD district overlay that meet the requirements of KMC [18.40.090](#)(B) for accessibility to high frequency transit service.

3. Shared parking among uses is encouraged within the TOD district overlay. Developments that propose shared parking arrangements shall submit a parking management plan as defined in KMC [18.20.1995](#) that describes the terms and conditions of shared parking arrangements on site.

D. Parking Provided in Excess of Minimum. Provision of parking in excess of the minimum parking requirements outlined in subsections A and B of this section shall require the excess parking be included in a structured parking garage, or under building and screened from the street frontage, unless the additional parking is associated with a phased, mixed use development, is interim in nature, and is temporarily located on land reserved for future phases not yet built.

E. Maximum parking within the TOD district overlay shall not exceed the minimum requirement calculated under the provisions of KMC [18.40.030](#).

1. Applicants may be allowed to exceed the maximum parking if the applicant can produce a parking study that demonstrates probable on-site parking needs that are significantly higher than similar uses. This traffic study shall be subject to review by the city manager before approval for additional parking is granted. All parking granted in excess of the maximum shall be provided in a structured parking garage or under building and screened from the street frontage.

F. All other parking requirements shall be as provided in Chapter [18.40](#) KMC.

II. Chapter 18.40 KMC is amended to read as follows:

Chapter 18.40 DEVELOPMENT STANDARDS – PARKING AND CIRCULATION

Sections:

- 18.40.010 Purpose.**
- 18.40.020 Authority and application.**
- 18.40.030 Computation of required off-street parking spaces.**
- 18.40.035 Parking in the urban residential zone, downtown commercial zone east of 73rd Avenue NE, public and semi-public zone abutting SR-522, and the urban corridor zone, east subarea.**
- 18.40.038 Exceedance of minimum parking – Downtown commercial zone, downtown residential zone, urban corridor zone, east subarea, and urban residential zone.**
- 18.40.040 Shared parking requirements.**
- 18.40.050 Exceptions for community residential facilities (CRF) and senior citizen assisted living.**
- 18.40.055 Parking for certain types of development served by transit.**
- 18.40.060 Parking for the disabled.**
- 18.40.070 Loading space and loading dock requirements.**
- 18.40.080 Stacking spaces for drive-through facilities.**

- 18.40.090 Transit and rideshare provisions.
- 18.40.100 Pedestrian and bicycle circulation and access.
- 18.40.110 Off-street parking plan design standards.
- 18.40.120 Off-street parking construction standards.
- 18.40.130 Compact car allowance requirements.
- 18.40.140 Internal circulation road standards.

* * *

18.40.030 Computation of required off-street parking spaces.

A. Except as modified in KMC 18.40.035, 18.40.040, 18.40.050, 18.40.055 or 18.40.090, off-street parking areas shall contain at a minimum the number of *parking spaces* as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include but are not limited to building maintenance areas, storage areas, closets, restrooms and exterior walls. If the formula for determining the number of off-street *parking spaces* results in a fraction, the number of off-street *parking spaces* shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
RESIDENTIAL:		
<i>Single detached dwelling unit</i>	2.0 per <i>dwelling unit</i>	2.0 per <i>dwelling unit</i> ; tandem stalls permitted
<i>Townhouse</i>	2.0 per <i>dwelling unit</i>	1.5 per <i>dwelling unit</i> ; tandem stalls permitted
Guest parking	1 space for every 5 units	1 space for every 5 units
<i>Apartment:</i>		
<i>Microhousing dwelling unit</i>	Within 1/4 mile of SR-522: 0.75 per dwelling unit. Otherwise, 1.2 per dwelling unit	Within 1/4 mile of SR-522: 0.75:du. Otherwise, 1.0:du. Tandem stalls permitted
Studio unit	1.2 per <i>dwelling unit</i>	1.0:du; tandem stalls permitted
One-bedroom unit	1.5 per <i>dwelling unit</i>	1.0:du; tandem stalls permitted
Two-bedroom unit	1.7 per <i>dwelling unit</i>	1.5:du; tandem stalls permitted

LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
Three-bedroom unit or larger	2.0 per <i>dwelling unit</i>	1.7:du; tandem stalls permitted
Guest parking	1 space for every 5 units	1 space for every 5 units
<i>Manufactured housing community</i>	2.0 per <i>dwelling unit</i>	2.0 per <i>dwelling unit</i>
<i>Senior citizen assisted living</i>	1 per 2 dwelling or sleeping units	1 per 2 dwelling or sleeping units
<i>Community residential facility</i>	1 per 2 bedrooms	1 per 2 bedrooms
Dormitory, including religious	1 per 2 bedrooms	1 per 2 bedrooms
<i>Hotel/motel</i>	1 per bedroom	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility	1 per guest room, plus 2 per facility
Other residential land uses	(<i>city manager</i>)	(<i>city manager</i>)
RECREATIONAL/CULTURAL:		
<i>Recreational/cultural land uses</i>	1 per 300 square feet	1 per 300 square feet
Exceptions:		
Bowling center	5 per lane	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of clubhouse facilities	–
Tennis club	4 per tennis court, plus 1 per 300 square feet of clubhouse facility	–
Golf driving range	1 per tee	–
<i>Park/playfield</i>	(<i>city manager</i>)	(<i>city manager</i>)
Theater	1 per 3 fixed seats	1 per 3 fixed seats
<i>Conference center</i>	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces

LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
<i>Artist studio</i>	0.9 per 1,000 square feet of area used for studios	0.9 per 1,000 square feet of area used for studios
GENERAL SERVICES:		
<i>General services land uses</i>	1 per 300 square feet	1 per 300 square feet
Exceptions:		
<i>Funeral home/crematory</i>	1 per 50 square feet of chapel area	–
<i>Day care I</i>	2 per facility	2 per facility
<i>Day care II</i>	2 per facility, plus 1 space for each 20 children	2 per facility, plus 1 space for each 20 children
<i>Religious institution</i>	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and veterinary clinic office	1 per 300 square feet of office, labs and examination rooms	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care facility	1 per 4 beds	–
<i>Hospital</i>	1 per bed	1 per bed
Elementary school	1 per <i>school classroom</i> , plus 1 per 50 students	1 per <i>school classroom</i> , plus 1 per 50 students
Secondary schools:		
Middle/junior high school	1 per <i>school classroom</i> , plus 1 per 50 students	1 per <i>school classroom</i> , plus 1 per 50 students
High school	1 per <i>school classroom</i> , plus 1 per 10 students	1 per <i>school classroom</i> , plus 1 per 10 students
High school with stadium	Greater of 1 per <i>school classroom</i> , plus 1 per 10 students, or 1 per 3 fixed seats in stadium	Greater of 1 per <i>school classroom</i> , plus 1 per 10 students, or 1 per 3 fixed seats in stadium
<i>Vocational school</i>	1 per <i>school classroom</i> , plus 1 per 5 students	1 per <i>school classroom</i> , plus 1 per 5 students

LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
<i>Specialized instruction school</i>	1 per school classroom, plus 1 per 2 students	1 per school classroom, plus 1 per 2 students
<i>College/university</i>	1 per 2 commuting students, faculty and staff	–
GOVERNMENT/BUSINESS SERVICES:		
<i>Government/business services land uses</i>	1 per 300 square feet	1 per 300 square feet
Exceptions:		
<i>Public agency yard</i>	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas	–
<i>Public agency archive</i>	0.9 per 1,000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas	–
Court	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
<i>Fire or police facility</i>	(city manager)	(city manager)
<i>Construction and trade</i>	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
<i>Warehousing and storage</i>	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
<i>Self-service storage</i>	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Outdoor advertising services	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area	–
<i>Heavy equipment repair</i>	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas	–
RETAIL/WHOLESALE:		

LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
<i>Retail land uses</i>	1 per 300 square feet	1 per 300 square feet
Exceptions:		
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet	3 plus 1 per 350 square feet
<i>Vehicle refueling stations w/o grocery</i>	3 per facility, plus 1 per service bay	3 per facility, plus 1 per service bay
<i>Vehicle refueling stations w/grocery, no service bays</i>	1 per facility, plus 1 per 300 square feet of store	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas	1 per 75 square feet in dining or lounge areas
<i>Wholesale trade uses</i>	0.9 per 1,000 square feet	0.9 per 1,000 square feet
<i>Retail sales and wholesale trade mixed use</i>	1 per 300 square feet	1 per 300 square feet
MANUFACTURING:		
<i>Manufacturing land uses</i>	0.9 per 1,000 square feet	–
Exceptions:		
Winery/brewery	0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area	–
RESOURCES:		
<i>Resource land uses</i>	(city manager)	–
REGIONAL:		
<i>Regional land uses</i>	(city manager)	(city manager)

B. An *applicant* may request a modification of the minimum required number of *parking spaces* by providing a parking demand analysis demonstrating that parking demand can be met with a reduced parking requirement. In such cases, the *city manager* may approve a reduction of up to 50 percent of the minimum required number of spaces.

C. When the *City* has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or *uses* authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible *uses* results

in different parking requirements, the *city manager* will establish the amount of parking based on a likely range of *uses*.

D. Where other provisions of this code stipulate maximum parking allowed or reduced minimum parking requirements, those provisions shall apply.

E. In any *development* required to provide six or more *parking spaces*, bicycle parking shall be provided. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified.

1. Off-street parking areas shall contain at least one bicycle parking space for every 12 spaces required for motor vehicles except as follows:

a. The *city manager* may reduce bike rack parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location.

b. The *city manager* may require additional spaces when it is determined that the *use* or its location will generate a high volume of bicycle activity. Such a determination will include but not be limited to the following *uses*:

(1) *Park/playfield*;

(2) *Marina*;

(3) *Library/museum/arboretum*;

(4) *Elementary/secondary school*;

(5) *Sports club*; or

(6) *Retail business* (when located along a developed bicycle *trail* or designated bicycle route).

2. Bicycle facilities for patrons shall be located within 100 feet of the building entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a *structure* attached to the pavement.

3. All bicycle parking and storage shall be located in safe, visible areas that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

4. When more than 10 people are employed on-site, enclosed locker-type parking facilities for employees shall be provided. The *city manager* shall allocate the required number of parking spaces between bike rack parking and enclosed locker-type parking facilities.

5. One indoor bicycle storage space shall be provided for every two *dwelling units* in *townhouse* and *apartment* residential *uses*, unless individual garages are provided

for every unit. The *city manager* may reduce the number of bike rack parking spaces if *indoor storage* facilities are available to all residents.

F. Exceedance of Minimum Parking – Zones Other Than Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE. Provision of parking shall not exceed 30 percent more than the minimum parking requirements unless the excess parking spaces are included in a structured parking garage, or under building and screened from the street frontage, unless the additional parking is associated with a phased, mixed use development and is interim in nature.

G. Tree Retention – DC and DR Zones. Where an applicant proposes retention of *trees* in accordance with KMC [18.35.100](#)(G) in the DC and DR zones, the *city manager* may reduce parking requirements by one *parking space* for every two *significant trees* that are saved in excess of the significant tree ordinance requirements.

H. Critical Area or Buffer Protection. When unavoidable, the *city manager* may reduce minimum parking requirements in order to maximize the protection of a *critical area* or its *buffer*. The reduction in the number of parking stalls or alternative stall or drive aisle dimensional requirements shall be in proportion to the area to be retained in the *buffer* or *critical area*.

* * *

18.40.050 Exceptions for community residential facilities (CRF) and senior citizen assisted living.

A. The minimum requirement of one off-street *parking space* per two bedrooms for *CRFs* and one off-street *parking space* per two *senior citizen assisted living* units may be reduced by up to 50 percent, as determined by the *city manager* based on the following considerations:

1. Availability of *private*, convenient transportation services to meet the needs of the residents;
2. Accessibility to and frequency of public transportation; and
3. Pedestrian access to health, medical, and shopping facilities.

B. If a *CRF* facility or *senior citizen assisted living* facility is no longer used for such purposes, additional off-street *parking spaces* shall be required in compliance with this chapter prior to the issuance of a new certificate of occupancy.

C. The parking requirements of KMC 18.40.055, if applicable, shall apply.

18.40.055 Parking for certain types of development served by transit.

Affordable housing shall be as defined under KMC 18.20.098. Housing for seniors shall be defined as housing restricted to those meeting the definition of “senior citizen” as found in KMC 18.20.2500.

Notwithstanding any other provision in this title, the following types of development shall have the following parking requirements:

A. Transit serving *very low-income affordable housing units* and *extremely low-income affordable housing units*:

1. For *very low-income affordable housing units* or *extremely low-income affordable housing units* that are located within one-quarter mile (1,320 feet), as measured linearly along *streets* or other pedestrian pathways, of a transit stop that receives transit service at least two times per hour for twelve or more hours per day, residential parking requirements shall be no greater than 0.6 spaces per unit.

2. The *city manager* may require a *developer* to record a covenant that prohibits the rental of units subject to this parking restriction for any purpose other than providing for *very low-income affordable housing units* or *extremely low-income affordable housing units*. The covenant must address price restrictions and household income limits and policies if the property is converted to a use other than for such low-income housing, as part of an affordability agreement pursuant to KMC 18.77.050.

3. The *city manager* may require more than 0.6 spaces per unit. If the city manager determines that particular *very low-income affordable housing units* or *extremely low-income affordable housing units* are located in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for such units.

B. Transit serving market rate multifamily *dwelling units*.

1. For market rate multifamily *dwelling units* that are located within one-quarter mile (1,320 feet), as measured linearly along *streets* or other pedestrian pathways, of a transit stop that receives transit service from at least one route that provides service at least four times per hour for twelve or more hours per day, residential parking requirements shall be no greater than 0.75 spaces per unit.

2. The *city manager* may require a *developer* to provide more than 0.75 spaces per unit if the *city manager* has determined a particular *dwelling unit* to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the *dwelling unit*.

C. Transit serving multifamily housing for seniors or people with disabilities.

1. For multifamily *developments* specifically for housing seniors or people with disabilities that are located within one-quarter mile (1,320 feet), as measured linearly along *streets* or other pedestrian pathways, of a transit stop that receives transit service at least four times per hour for twelve or more hours per day, there shall be no minimum residential parking requirements for the residents of such *dwelling units*. Housing for seniors shall be defined as housing restricted to those meeting the definition of *senior citizen* as found in KMC 18.20.2500.

2. As an exception to KMC 18.40.055.C.1, the *city manager* may require one or more parking spaces per bedroom for housing for seniors or people with disabilities if the *city manager* determines a particular unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit.

3. The *city manager* may require parking for staff and visitors of such multifamily housing for seniors or people with disabilities, consistent with the requirements of this title.

4. The *city manager* may require a *developer* to record a covenant that prohibits the rental of such units subject to the parking restriction of this section for any purpose other than providing for housing for seniors or people with disabilities, as part of an affordability agreement pursuant to KMC 18.77.050.

18.40.060 Parking for the disabled.

Off-street parking and access for physically disabled persons shall be provided in accordance with the regulations adopted pursuant to Chapter 19.27 RCW, State Building Code, KMC 18.40.055, and Chapter 70.92 RCW, Public Buildings – Provisions for Aged and Disabled. See Chapter 11 of the International Building Code as adopted by the *City*.

* * *

18.40.110 Off-street parking plan design standards.

A. Off-street parking areas shall not be located more than 600 feet from the *building* they are required to serve for all *uses* except those specified as follows; where an off-street parking area does not abut the *building* it serves, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:

1. For all single detached dwellings the *parking spaces* shall be located on the same *lot* they are required to serve;
2. For all other residential dwellings at least a portion of parking areas shall be located within 150 feet from the *building* or *building(s)* they are required to serve;
3. For all nonresidential *uses* permitted in residential zones, the *parking spaces* shall be located on the same *lot* they are required to serve and at least a portion of parking areas shall be located within 150 feet from the nearest building entrance they are required to serve;
4. In the community business and neighborhood business zones, parking lots shall be located to the rear or sides of *buildings*. Relief from this subsection (A)(4) may be granted by the *city manager* only if the *applicant* can demonstrate that there is no practical site design to meet this requirement. The *city manager* may allow only the number of *parking spaces* that cannot be accommodated to the rear or sides of *buildings* to be located to the front of *buildings*;

5. Parking lots shall be so arranged as to permit the internal circulation of vehicles between parking aisles without re-entering adjoining public streets; and

6. Parking for the disabled shall be provided in accordance with KMC [18.40.060](#).

B. The minimum *parking space* and aisle dimensions for the most common parking angles are shown on the table in this subsection. For parking angles other than those shown on the chart, the minimum *parking space* and aisle dimensions shall be determined by the *city manager*. Regardless of the parking angle, one-way aisles shall be at least 10 feet wide, and two-way aisles shall be at least 20 feet wide. If dead-end aisles are used in the parking layout, they shall be constructed as two-way aisles. Parking plans for angle parking shall use space widths no less than eight feet, six inches for a standard *parking space* design and eight feet for a compact car *parking space* design.

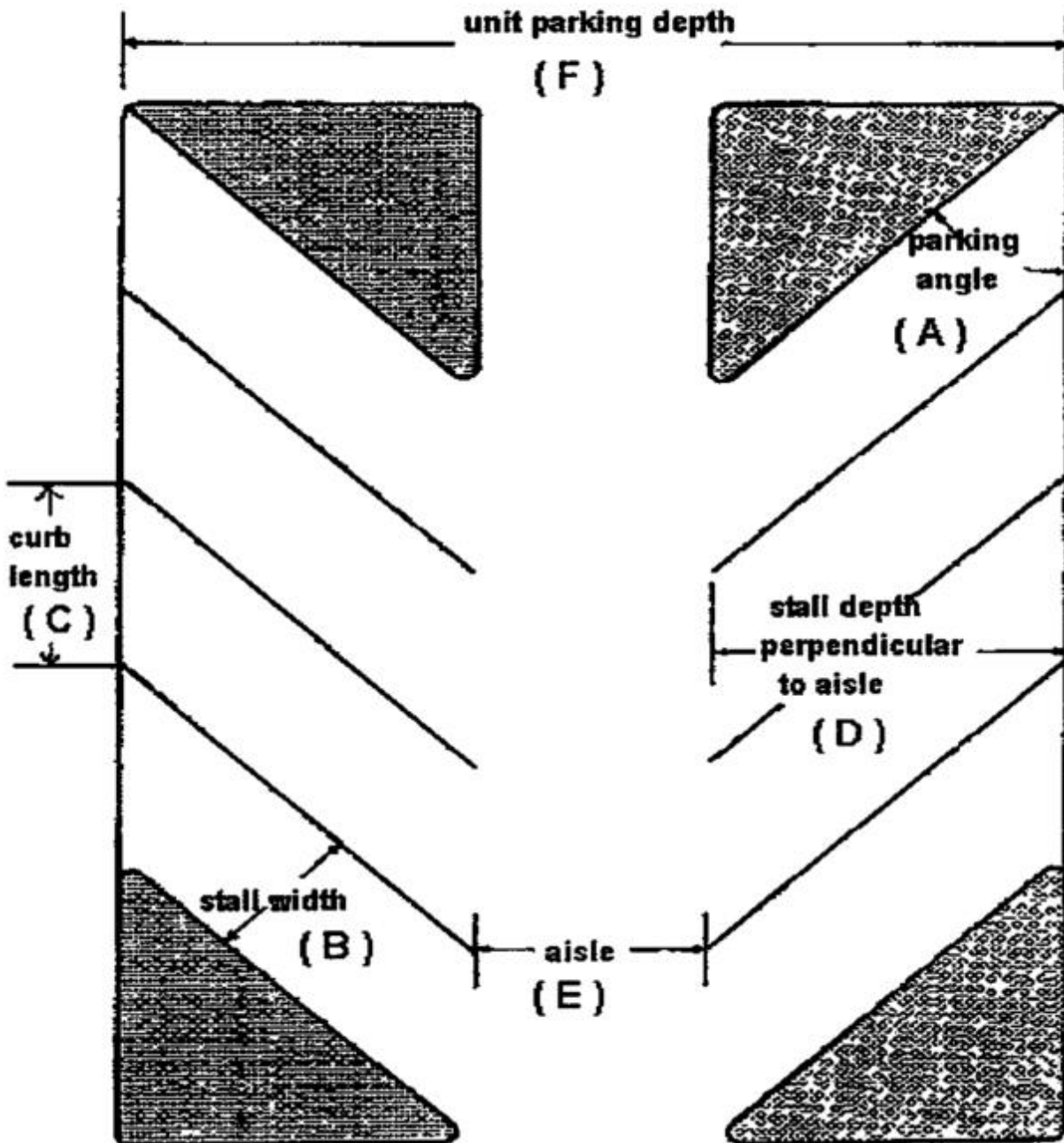
MINIMUM PARKING STALL AND AISLE DIMENSIONS

A PARKING ANGLE	B STALL WIDTH	C CURB LENGTH	D STALL DEPTH	E AISLE WIDTH		F UNIT DEPTH	
				1-WAY	2-WAY	1-WAY	2-WAY
0	8.0*	20.0*	8.0	12.0	20.0	**	**
	Min 8.5	22.5	8.5	12.0	20.0	29.0	37.0
	Desired 9.0	22.5	9.0	12.0	20.0	30.0	38.0
30	8.0*	16.0*	15.0	10.0	20.0	**	**
	Min 8.5	17.0	16.5	10.0	20.0	42.0	53.0
	Desired 9.0	18.0	17.0	10.0	20.0	44.0	54.0
45	8.0*	11.5*	17.0*	12.0	20.0	**	**
	Min 8.5	12.0		12.0	20.0	50.0	58.0
	Desired 9.0	12.5		12.0	20.0	51.0	59.0
60	8.0*	9.6*	18.0	18.0	20.0	**	**
	Min 8.5	10.0	20.0	18.0	20.0	58.0	60.0
	Desired 9.0	10.5	21.0	18.0	20.0	60.0	62.0
90	8.0*	8.0*	16.0*	24.0	24.0	**	**
	Min 8.5	8.5	18.0	24.0	24.0	60.0	60.0
	Desired 9.0	9.0	18.0	23.0	24.0	60.0	60.0

* for compact stalls only

** variable with compact and standard combinations

NOMENCLATURE OF OFF-STREET PARKING AREA



C. Any *parking spaces* abutting a required landscaped area on the driver or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement to provide a place to step other than in the landscaped area. The additional width shall be separated from the adjacent *parking space* by a parking space division stripe.

D. The *parking space* depth may be reduced if vehicles overhang a walkway or landscaping under the following conditions:

1. Wheel stops or curbs are installed;
2. The remaining walkway provides a minimum of 48 inches of unimpeded passageway for pedestrians;
3. The amount of space depth reduction is limited to a maximum of 18 inches; and
4. Landscaping is designed in accordance with KMC [18.35.070](#)(E).

E. Driveways providing ingress and egress between off-street parking areas and abutting *streets* shall be designed, located and constructed in accordance with the provisions of Chapter [12.50](#) KMC, Road Standards. ~~Driveways for single detached dwelling units, no more than 20 feet in width, may cross required setbacks or landscaped areas to provide access between the off-street parking areas and the street, provided no more than 15 percent of the required landscaping or setback area is eliminated by the driveway. Joint use driveways may be located within required landscaping or setback areas. Driveways for all other developments may cross or be located within required setbacks or landscaped areas to provide access between the off-street parking areas and the street, if no more than 10 percent of the required landscaping is displaced by the driveway and the driveway is located no closer than five feet from any property line except where intersecting the street.~~

F. *Parking spaces* required under this title shall be located as follows:

1. For *single detached dwelling units* the required *parking spaces* shall be outside of any required *setbacks* or *landscaping*, but driveways crossing *setbacks* and required *landscaping* may be used for parking. However, if the driveway is a *joint use driveway*, no vehicle parked on the driveway shall obstruct any joint user's access to the driveway or *parking spaces*;
2. For all other *developments*, *parking spaces* may be permitted by the *city manager* in *setback* areas in accordance with an approved landscape plan; and
3. For nonresidential *uses* in residential zones, parking is permitted in *setback* areas in accordance with KMC [18.21.060](#).

G. Lighting shall be provided for safety of traffic and pedestrian circulation on the *site*. It shall be designed to minimize direct illumination of abutting properties and adjacent *streets*. The *city manager* shall have the authority to waive the requirement to provide lighting.

H. Tandem or end-to-end parking is allowed in residential *developments*. *Apartment* or *townhouse developments* may have tandem parking areas for each *dwelling unit* but shall not combine parking for separate *dwelling units* in tandem parking areas.

I. All vehicle parking and storage must be in a garage, carport or on an approved *impervious surface*. Any *impervious surface* used for vehicle parking or storage must have direct and unobstructed driveway access.

J. The total number of vehicles parked or stored outside of a *building* on a single-family *lot* in the R-4 through R-6 zones, excluding *recreational vehicles* and trailers, shall not exceed six vehicles on *lots* 12,500 square feet or less and eight vehicles on *lots* greater than 12,500 square feet.

K. Vanpool or carpool parking areas shall meet the following minimum design standards:

1. A minimum vertical clearance of seven feet, three inches shall be provided to accommodate van vehicles if designated vanpool or carpool *parking spaces* are located in a parking structure; and
2. A minimum turning radius of 26 feet, four inches with a minimum turning diameter, curb to curb, of 52 feet, five inches shall be provided from parking aisles to adjacent carpool or vanpool *parking spaces*.

L. Direct access from the *street* right-of-way to off-street parking areas shall be subject to KMC [18.45.070](#).

M. No dead-end *alley* may provide access to more than eight off-street *parking spaces*.

N. Any parking stalls located in enclosed *buildings* must be totally within the enclosed *building*.

* * *



City Council Agenda Bill City of Kenmore, WA

Subject/Topic: 1) Settlement & Release Agreement between City of Kenmore and Washington Business Properties Association 2) Ordinance 24-0604 Amending Chapter 8.55 KMC, Tenant Protections Proposed Council Action/Motion: Motions: 1. Motion to approve the Settlement & Release Agreement between the City of Kenmore and Washington Business Properties Association and authorize the City Manager to sign the agreement. 2. Motion to adopt Ordinance 24-0604 Amending Chapter 8.55 KMC, Tenant Protections	For Council Meeting Agenda of: 9/16/24 Department: City Attorney's Office & Community Development Prepared by: Dawn Reitan, City Attorney Debbie Bent, Development Director <table><thead><tr><th></th><th><u>Initial & Date</u></th></tr></thead><tbody><tr><td>Approved by Department Head:</td><td><u>DB</u></td></tr><tr><td>Approved by City Attorney:</td><td><u>DR</u></td></tr><tr><td>Approved by Finance Director:</td><td><u>N/A</u></td></tr><tr><td>Approved by City Manager:</td><td><u>RK</u></td></tr></tbody></table> Attachments/Exhibits: 1) Settlement & Release Agreement 2) Ordinance 24-0604 3) Exhibit 1 to Ordinance 24-0604 4) Just Cause Evictions Explained		<u>Initial & Date</u>	Approved by Department Head:	<u>DB</u>	Approved by City Attorney:	<u>DR</u>	Approved by Finance Director:	<u>N/A</u>	Approved by City Manager:	<u>RK</u>
	<u>Initial & Date</u>										
Approved by Department Head:	<u>DB</u>										
Approved by City Attorney:	<u>DR</u>										
Approved by Finance Director:	<u>N/A</u>										
Approved by City Manager:	<u>RK</u>										
Summary: There are two actions proposed for City Council consideration, the first is to consider and approve the Settlement & Release Agreement between the City of Kenmore and Washington Business Properties Association (Attachment 1). If the City Council approves the agreement, then the second proposed action is to consider and adopt Ordinance 24-0604 amending Chapter 8.55 Tenant Protections (Attachment 2), as set forth in Exhibit 1 to Ordinance 24-0604 (Attachment 3).											
Information/Background: In 2019 the City Council adopted Ordinance 19-0484 which established a new chapter in the Kenmore Municipal Code (KMC), "Notice of Rent Increase". The newly established Chapter 8.55 KMC required:											

- Landlords to provide increased written notice (90 days) prior to an increase in rent
- Rental agreements that violated the notice provisions to be null and void, and
- That rental agreements were prohibited from waiving tenants' remedies

During the COVID-19 pandemic, the City Council adopted ordinances, including Ordinance 21-0525, which extended temporary moratoria prohibiting tenant evictions and adopted temporary tenant protections for the health, safety and welfare of its residents during the COVID-19 public health emergency. After the pandemic, the Council considered additional tenant protections at the February 14, 2022, March 28, 2022, June 13, 2022, and July 25, 2022 meetings.

On March 28, 2022, the City Council adopted Ordinance 22-0545, which amended Chapter 8.55 KMC, "Tenant Protections", and adopted the following additional tenant protection regulations:

- Notice of rent increase: Requires 120 days' written notice for rent increases greater than 3% and 180 days' written notice for rent increase more than 10% (KMC 8.55.030)
- Limits move in fees: Limits all move in fees and security deposits to one month's rent (KMC 8.55.040.A)
- Right to Payment Plan: Allows tenants with rental agreements of six months or more to pay move in fees and security deposits in six equal monthly installments over first six months. Tenants with rental agreements less than six months allowed to pay move in fees and security deposits equally over two months (KMC 8.55.040.B-.C)
- Limits late fees: Limits late fees or costs due to nonpayment of rent to 1.5% of monthly rent (KMC 8.55.050).
- Rent due date may be altered due to tenant's fixed income: Allows tenants to request alteration in rent due date due to fixed income (KMC 8.55.060)
- Bars requirement of social security number: Prohibits a landlord from requiring a social security number from prospective tenant for purposes of screening, and provides right of private action if violated (KMC 8.55.070)
- Violations of chapter. Gives tenant private right of action if landlord violates chapter (8.55.100)

On July 25, 2022, the City Council adopted Ordinance 22-0554, which established:

- Just cause eviction. Requires a landlord to show "just cause" for tenant evictions, which mirrors state law just cause provisions under RCW 59.18.650(2)(a)-(p). However, the ordinance removed the state law exceptions that allows evictions without just cause for certain rental agreements between six and twelve months that expire, with 60 days' notice of termination (KMC 8.55.075). See Attachment 4, Just Cause Evictions Explained
- Unfair or abusive acts. Prohibits a landlord from unfair, abusive or deceptive acts (KMC 8.55.078)

On August 29, 2022, the case of *Rental Housing Ass'n of Wash. V. City of Burien*, 23 Wn. App.2d 1015 (2022) was issued, which preempted the City of Burien's just cause provisions for prohibiting what state law allowed. On March 21, 2023, the case of *Yim v. City of Seattle*, 63 F.4th 783 (2023) was issued, which held that the City of Seattle violated First Amendment rights of landlords by regulating certain speech of landlords.

On August 14, 2023, the Washington Business Properties Association ("WBPA") filed a Complaint for Declaratory Relief, Superior Court Case No. 23-2-15123-2 SEA, alleging that the City's tenant protections adopted under Ordinance Nos. 22-0545 and 22-0554 (collectively, the "Ordinances") were preempted

and violated First Amendment rights, among other things ("Lawsuit").

On August 5, 2024, the case of *Valley Cities Counseling and Consultation v. Eddines*, 55 P.3d 693 (2024) was issued, which held that the City of Auburn's just cause provisions were preempted for prohibiting what state law allowed. The Legislature adopted just cause eviction regulations under RCW 59.18.650, link at: [RCW 59.18.650: Eviction of tenant, refusal to continue tenancy, end of periodic tenancy—Cause—Notice—Penalties. \(<i>Effective until January 1, 2028.</i>\) \(wa.gov\)](#)

The Legislature also adopted a law that requires all duties and required acts established under the Residential Landlord-Tenant Act, Chapter 59.18 RCW ("RLTA") to be performed in good faith as a condition precedent to any right or remedy under the RLTA (RCW 59.18.020). The Washington State Attorney General's Office has published "Residential Landlord-Tenant Resources" at: [Residential Landlord-Tenant Resources | Washington State](#) which includes, among other things, a brochure explaining "Your Rights as a Tenant in Washington" at: [Your rights as a tenant in Washington State | WashingtonLawHelp.org | Helpful information about the law in Washington.](#)

With the recent court decisions and available online resources to explain tenants' rights, and to avoid the continued costs, expenses and uncertainty associated with continued litigation relating to the Ordinances, the Settlement & Release Agreement is proposed for consideration. The key part of the Settlement & Release Agreement (Att. 1) is found at Section 2, which provides:

2. Party Actions:

- 2.1 City action:** Within thirty (30) days of the effective date of this Agreement, the Kenmore City Council agrees to consider adoption of an ordinance that repeals KMC 8.55.075 and KMC 8.55.078 in their entirety.
- 2.2 WBPA action.** If the City Council adopts an ordinance that repeals both KMC 8.55.075 and KMC 8.55.078 in their entirety, then WBPA shall within five (5) days of the adoption of said ordinance, dismiss the Lawsuit with prejudice and without attorneys' fees or costs to any party.

Accordingly, if the City Council approves the agreement, then it should next consider the adoption of Ordinance 24-0604, which repeals KMC 8.55.075 (just cause provisions), and KMC 8.55.078 (prohibiting misleading conduct). If the ordinance is adopted, the tenant protections adopted under Ordinances 19-0484 and 22-0545 (as described above) would still apply and be effective as tenant protection regulations.

Fiscal Consideration:

The costs of continued litigation would be incurred if the City does not approve the settlement agreement. The adoption of Ordinance 24-0604 would not have fiscal impacts to the City.

City Council Priority or Budget Objective Being Addressed:

2024 City Council Priority #1 Increase and preserve the options for affordable housing.

SETTLEMENT & RELEASE AGREEMENT

This Settlement & Release Agreement (“Agreement”) is entered into by and between the City of Kenmore, a Washington municipal corporation (the “City”) and Washington Business Properties Association, a Washington nonprofit corporation (“WBPA”) (the City and WBPA together, the “Parties”).

RECITALS

A. On May 20, 2019, the Kenmore City Council adopted Ordinance 19-0484, which established Chapter 8.55 of the Kenmore Municipal Code (“KMC”) and adopted certain provisions relating to residential landlord and tenant relations.

B. On March 28, 2022, the Kenmore City Council adopted Ordinance 22-0545, which amended Chapter 8.55 KMC and established additional regulations relating to residential landlord and tenant relations.

C. On July 25, 2022, the Kenmore City Council adopted Ordinance 22-0554, which amended Chapter 8.55 KMC and established additional regulations relating to residential landlord and tenant relations, including KMC 8.55.075 and 8.55.078.

D. On August 14, 2023, WBPA filed a Complaint for Declaratory Relief in King County Superior Court, Case No. 23-2-15123-2 SEA, alleging that the City’s Ordinance Nos. 22-0545 and 22-0554 (collectively, the “Ordinances”) were preempted and unconstitutional, among other things (“Lawsuit”).

E. To avoid the continued costs, expenses, and uncertainty associated with continued litigation, the Parties desire to settle this matter in accordance with the terms and conditions stated in this Agreement, and without either party admitting or conceding fault, liability for, or the validity of, the claims or defenses of the other party.

AGREEMENT

In consideration of the terms and conditions stated below, the Parties agree as follows:

1. **Recitals.** The recitals set forth above are incorporated herein.

2. **Party Actions:**

2.1 City action: Within thirty (30) days of the effective date of this Agreement, the Kenmore City Council agrees to consider adoption of an ordinance that repeals KMC 8.55.075 and KMC 8.55.078 in their entirety.

2.2 WBPA action. If the City Council adopts an ordinance that repeals both KMC 8.55.075 and KMC 8.55.078 in their entirety, then WBPA shall within five (5) days of the adoption of said ordinance, dismiss the Lawsuit with prejudice and

without attorneys' fees or costs to any party.

3. Mutual Release. Except with respect to action contemplated under this Agreement, the Parties hereby agree to mutually waive, release, holds harmless, and forever discharge one another and their respective officers, employees, agents, affiliates, successors, and assigns from any and all claims, demands, damages, liabilities, costs, or expenses of any nature (whether formally or informally asserted and whether past, present, of future, known or unknown) that were alleged or could have been alleged in the Lawsuit, or that in any way arise out of or relate to the Ordinances. This release is a full settlement and discharge of any and all claims by WBPA which are or might have been made against the City in connection with the Lawsuit. This release is binding on and constitutes a complete settlement by the Parties and their respective representatives, transferees, successors, and assigns to the matters stated herein. This mutual release, together with the other provisions of this Agreement, is intended to fully discharge all of the Parties' claims and obligations to each other relating to the Lawsuit.

4. No Admission. The purpose of this Agreement is to settle disputed claims. The Parties agree that this Agreement does not constitute any admission of liability or fault by the Parties and is intended to be a final settlement in full accord and satisfaction of all claims that were made or could have been made by the Parties against one another, in the Lawsuit or otherwise, arising out of or relating to the Ordinances. Neither the execution of this Agreement, nor the performance contemplated hereunder, shall be construed or considered as an admission by any party as to the merit or validity of the claims or arguments or defenses of any other party arising out of or relating to the Ordinances, Lawsuit, or otherwise.

5. Miscellaneous.

5.1 Governing Law; Severability. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Washington. If any court of competent jurisdiction shall determine that any portion of this Agreement is unenforceable, then, to the extent possible, the remaining portions hereof shall be unaffected thereby.

5.2 Interpretation. Each of the Parties was represented by counsel with respect to this Agreement, or was given a reasonable opportunity to consult with their own legal counsel, and has had ample opportunity to review this Agreement. This Agreement shall not be interpreted in favor of or against either party by reason of whose attorney originally drafted it.

5.3 Integration/Amendments. This Agreement constitutes the full and complete expression of the agreement between the Parties with respect to the Lawsuit, and supersedes any and all prior or contemporaneous offers, negotiations, or agreements between the Parties. Any amendment or modification to any of the terms of this Agreement shall be in writing, signed by both of the Parties.

5.4 Reliance. Each party acknowledges that no other party, agent, or attorney for any party has made any promise, representation, or warranty whatsoever, express or implied, not contained herein, concerning the Lawsuit, to induce it to execute this

Agreement, and each party acknowledges that it has not executed this Agreement in reliance on any such promise, representation, or warranty not contained herein.

5.5 Authority. Each person executing this Agreement on behalf of a party warrants that the person is fully authorized and empowered to do so, that the party has the power and actual authority to enter into this Agreement, and that the Agreement binds the party to the terms and conditions stated herein.

5.6 Binding Effect. This Agreement applies to, inures to the benefit of, and is binding on the Parties to this Agreement and their representatives, transferees, successors, and assigns.

5.7 Execution of Documents. Each party agrees to execute all documents that may be necessary to implement the terms of this Agreement and effectuate its purposes, including but not limited to, the joint dismissal of the Lawsuit. The obligation imposed by this paragraph is specifically enforceable.

5.8 Enforcement. This Agreement shall be construed and enforced in accordance with, and governed by, the laws of the State of Washington. Any action to enforce this Agreement shall be brought in a court of competent jurisdiction in King County, Washington. In the event that any party hereto shall institute proceedings to enforce any provision hereto, the substantially prevailing party shall be entitled to be reimbursed for reasonable costs, expenses, expert witness fees, and attorneys' fees incurred.

5.9 Counterparts. This Agreement may be signed in counterparts, each of which shall constitute an original.

5.10 Effective Date. This Agreement shall become effective upon the date of the last signature below.

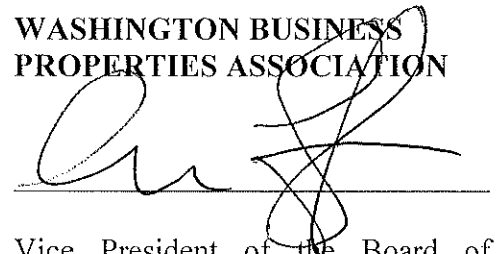
5.11 Effect of Waiver. Failure by any party to enforce a term or condition of this Agreement does not constitute a waiver of that term or condition. A party only may waive a term or condition of this Agreement in writing. Waiver of a term of the Agreement does not constitute waiver of any other terms or conditions in this Agreement. Waiver of a term of the Agreement with respect to a party does not constitute waiver with respect to any other party.

CITY OF KENMORE

_____ for the City

Date: _____

**WASHINGTON BUSINESS
PROPERTIES ASSOCIATION**



Vice President of the Board of
Directors for the WBPA

Date: September 9, 2024

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO.24-0604**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING CHAPTER
8.55 OF THE KENMORE MUNICIPAL CODE RELATING TO RESIDENTIAL
LANDLORD/TENANT RELATIONS, AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, on May 20, 2019, the Kenmore City Council adopted Ordinance 19-0484, which established Chapter 8.55 of the Kenmore Municipal Code ("KMC"), and adopted certain notice provisions relating to residential landlord/tenant relations; and

WHEREAS, on March 28, 2022, the Kenmore City Council adopted Ordinance 22-0545, which amended Chapter 8.55 KMC and established additional regulations relating to residential landlord/tenant relations; and

WHEREAS, on July 25, 2022, the Kenmore City Council adopted Ordinance 22-0554, which amended Chapter 8.55 KMC and established additional regulations relating to residential landlord/tenant relations, including just cause eviction regulations; and

WHEREAS, on August 29, 2022, the case of *Rental Housing Ass'n of Wash. V. City of Burien*, 23 Wn. App.2d 1015 (2022) was issued relating to just cause eviction regulations; and

WHEREAS, on March 21, 2023, the case of *Yim v. City of Seattle*, 63 F.4th 783 (2023) was issued relating to First Amendment rights of landlords; and

WHEREAS, on August 14, 2023, the Washington Business Properties Association ("WBPA") filed a Complaint for Declaratory Relief, Superior Court Case No. 23-2-15123-2 SEA, alleging that the City's tenant protections adopted under Ordinance Nos. 22-0545 and 22-0554 (collectively, the "Ordinances") were preempted and violated First Amendment rights, among other things ("Lawsuit"); and

WHEREAS, on August 5, 2024, the case of *Valley Cities Counseling and Consultation v. Eddines*, 55 P.3d 693 (2024) was issued relating to just cause eviction regulations; and

WHEREAS, the Legislature has adopted just cause eviction regulations under RCW 59.18.650; and

WHEREAS, to avoid the continued costs, expenses and uncertainty associated with continued litigation relating to the Ordinances, the City and WBPA desire to settle the matter without either party admitting or conceding fault, liability for, or the validity of, the claims or defenses of the other party; and

WHEREAS, the City Council desires to amend Chapter 8.55 KMC relating to residential landlord/tenant relations as set forth herein;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Amendment. Section 8.55.020 of the Kenmore Municipal Code is amended as set forth in Exhibit 1, attached hereto and incorporated by reference as if set forth in full.

Section 2. Amendment. Section 8.55.075 of the Kenmore Municipal Code is repealed as set forth in Exhibit 1, attached hereto and incorporated by reference as if set forth in full.

Section 3. Amendment. Section 8.55.078 of the Kenmore Municipal Code is repealed as set forth in Exhibit 1, attached hereto and incorporated by reference as if set forth in full.

Section 4. Amendment. Section 8.55.095 of the Kenmore Municipal Code is amended as set forth in Exhibit 1, attached hereto and incorporated by reference as if set forth in full.

Section 5. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage and publication.

PASSED BY THE CITY COUNCIL AT A MEETING THEREOF ON THE ____ DAY OF _____, 2024.

CITY OF KENMORE

Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

Anastasiya Warhol, City Clerk

Approved as to form:

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:

ORDINANCE NO.:
DATE OF PUBLICATION:
EFFECTIVE DATE:

EXHIBIT 1 to Ordinance 24-0604
Amending Chap. 8.55 KMC Tenant Protections

1. Section 8.55.020 of the Kenmore Municipal Code is amended to read as follows:

8.55.020 Applicability.

Except as set forth in KMC 8.55.075(C), KMC 8.55.030 through 8.55.100 apply to tenancies governed by Chapter 59.18 RCW (RLTA) and Chapter 59.20 RCW (Manufactured/Mobile Home Landlord-Tenant Act) and are in addition to the provisions provided in said chapters. [Ord. 22-0554 § 2 (Exh. 1); Ord. 22-0545 § 2 (Exh. 1).]

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2. Section 8.55.075 of the Kenmore Municipal Code is repealed.

~~8.55.075 Just cause for landlord's eviction, refusing to continue tenancy or termination of tenancy – M/MHLTA – Notices.~~

~~A. A landlord shall not evict or attempt to evict any tenant, refuse to continue or renew a tenancy after expiration of the rental agreement, or otherwise terminate or attempt to terminate the tenancy of any tenant except for the just causes enumerated in subsection B of this section.~~

~~B. The causes enumerated in the RLTA (RCW 59.18.650(2)(a) through (p)), as may be amended, and as set forth below, shall constitute just cause as required under subsection A of this section:~~

~~1. The tenant continues in possession in person or by subtenant after a default in the payment of rent, and after written notice requiring, in the alternative, the payment of the rent or the surrender of the detained premises has remained uncomplished with for the period set forth in RCW 59.12.030(3). The written notice may be served at any time after the rent becomes due;~~

~~2. The tenant continues in possession after substantial breach of a material program requirement of subsidized housing, material term subscribed to by the tenant within the lease or rental agreement, or a tenant obligation imposed by law, other than one for monetary damages, and after the landlord has served written notice specifying the acts or omissions constituting the breach and requiring, in the alternative, that the breach be remedied or the rental agreement will end, and the breach has not been adequately remedied by the date specified in the notice, which date must be at least 10 days after service of the notice;~~

~~3. The tenant continues in possession after having received at least three days' advance written notice to quit after he or she commits or permits waste or nuisance upon the premises, unlawful activity that affects the use and enjoyment of the premises, or other substantial or repeated and unreasonable interference~~

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with the use and enjoyment of the premises by the landlord or neighbors of the tenant;

4. The tenant continues in possession after the landlord of a dwelling unit in good faith seeks possession so that the owner or his or her immediate family may occupy the unit as that person's principal residence and no substantially equivalent unit is vacant and available to house the owner or his or her immediate family in the same building, and the owner has provided at least 90 days' advance written notice of the date the tenant's possession is to end. There is a rebuttable presumption that the owner did not act in good faith if the owner or immediate family fails to occupy the unit as a principal residence for at least 60 consecutive days during the 90 days immediately after the tenant vacated the unit pursuant to a notice to vacate using this subsection (B)(4) as the cause for the lease ending;

5. The tenant continues in possession after the owner elects to sell a single-family residence and the landlord has provided at least 90 days' advance written notice of the date the tenant's possession is to end. For the purposes of this subsection (B)(5), an owner "elects to sell" when the owner makes reasonable attempts to sell the dwelling within 30 days after the tenant has vacated, including, at a minimum, listing it for sale at a reasonable price with a realty agency or advertising it for sale at a reasonable price by listing it on the real estate multiple listing service. There shall be a rebuttable presumption that the owner did not intend to sell the unit if:

a. Within 30 days after the tenant has vacated, the owner does not list the single-family dwelling unit for sale at a reasonable price with a realty agency or advertise it for sale at a reasonable price by listing it on the real estate multiple listing service; or

b. Within 90 days after the date the tenant vacated or the date the property was listed for sale, whichever is later, the owner withdraws the rental unit from the market, the landlord rents the unit to someone other than the former tenant, or the landlord otherwise indicates that the owner does not intend to sell the unit;

6. The tenant continues in possession of the premises after the landlord serves the tenant with advance written notice pursuant to RCW 59.18.200(2)(c);

7. The tenant continues in possession after the owner elects to withdraw the premises to pursue a conversion pursuant to RCW 64.34.440 or 64.90.655;

8. The tenant continues in possession, after the landlord has provided at least 30 days' advance written notice to vacate that: (a) the premises has been certified or condemned as uninhabitable by a local agency charged with the authority to issue such an order; and (b) continued habitation of the premises would subject the landlord to civil or criminal penalties. However, if the terms of the local agency's order do not allow the landlord to provide at least 30 days' advance

written notice, the landlord must provide as much advance written notice as is possible and still comply with the order;

9. The tenant continues in possession after an owner or lessor, with whom the tenant shares the dwelling unit or access to a common kitchen or bathroom area, has served at least 20 days' advance written notice to vacate prior to the end of the rental term or, if a periodic tenancy, the end of the rental period;

10. The tenant continues in possession of a dwelling unit in transitional housing after having received at least 30 days' advance written notice to vacate in advance of the expiration of the transitional housing program, the tenant has aged out of the transitional housing program, or the tenant has completed an educational or training or service program and is no longer eligible to participate in the transitional housing program. Nothing in this subsection (B)(10) prohibits the ending of a tenancy in transitional housing for any of the other causes specified in this section;

11. The tenant continues in possession of a dwelling unit after the expiration of a rental agreement without signing a proposed new rental agreement proffered by the landlord; provided, that the landlord proffered the proposed new rental agreement at least 30 days prior to the expiration of the current rental agreement and that any new terms and conditions of the proposed new rental agreement are reasonable. This subsection (B)(11) does not apply to tenants whose tenancies are or have become periodic;

12. The tenant continues in possession after having received at least 30 days' advance written notice to vacate due to intentional, knowing, and material misrepresentations or omissions made on the tenant's application at the inception of the tenancy that, had these misrepresentations or omissions not been made, would have resulted in the landlord requesting additional information or taking an adverse action;

13. The tenant continues in possession after having received at least 60 days' advance written notice to vacate for other good cause prior to the end of the period or rental agreement and such cause constitutes a legitimate economic or business reason not covered or related to a basis for ending the lease as enumerated under this subsection B. When the landlord relies on this basis for ending the tenancy, the court may stay any writ of restitution for up to 60 additional days for good cause shown, including difficulty procuring alternative housing. The court must condition such a stay upon the tenant's continued payment of rent during the stay period. Upon granting such a stay, the court must award court costs and fees as allowed under Chapter 59.18 RCW;

14. —a. The tenant continues in possession after having received at least 60 days' written notice to vacate prior to the end of the period or rental agreement and the tenant has committed four or more of the following violations, other than ones for monetary damages, within the preceding 12-month period, the tenant has remedied or cured the violation, and the landlord has provided the tenant a

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written warning notice at the time of each violation: A substantial breach of a material program requirement of subsidized housing, a substantial breach of a material term subscribed to by the tenant within the lease or rental agreement, or a substantial breach of a tenant obligation imposed by law;

b. Each written warning notice must:

(1) Specify the violation;

(2) Provide the tenant an opportunity to cure the violation;

(3) State that the landlord may choose to end the tenancy at the end of the rental term if there are four violations within a 12-month period preceding the end of the term; and

(4) State that correcting the fourth or subsequent violation is not a defense to the ending of the lease under this subsection;

c. The 60-day notice to vacate must:

(1) State that the rental agreement will end upon the specified ending date for the rental term or upon a designated date not less than 60 days after the delivery of the notice, whichever is later;

(2) Specify the reason for ending the lease and supporting facts; and

(3) Be served to the tenant concurrent with or after the fourth or subsequent written warning notice;

d. The notice under this subsection must include all notices supporting the basis of ending the lease;

e. Any notices asserted under this subsection must pertain to four or more separate incidents or occurrences; and

f. This subsection (B)(14) does not absolve a landlord from demonstrating by admissible evidence that the four or more violations constituted breaches under subsection (B)(2) of this section at the time of the violation had the tenant not remedied or cured the violation;

15. The tenant continues in possession after having received at least 60 days' advance written notice to vacate prior to the end of the rental period or rental agreement if the tenant is required to register as a sex offender during the tenancy, or failed to disclose a requirement to register as a sex offender when required in the rental application or otherwise known to the property owner at the beginning of the tenancy;

16. The tenant continues in possession after having received at least 20 days' advance written notice to vacate prior to the end of the rental period or rental agreement if the tenant has made unwanted sexual advances or other acts of sexual harassment directed at the property owner, property manager, property

employee, or another tenant based on the person's race, gender, or other protected status in violation of any covenant or term in the lease.

C. This section shall not apply to rental agreements between a landlord and tenant subject to RCW ~~59.20.080~~ of the M/MLTA, as may be amended, which shall govern the just cause grounds for a landlord's termination of tenancy or occupancy or failure to renew a tenancy or occupancy regulated thereunder.

D. The notices required by this section shall comply with and be served consistent with state law. [Ord. 22-0554 § 2 (Exh. 1).]

3. Section 8.55.078 of the Kenmore Municipal Code is repealed.

~~8.55.078 Unfair or abusive acts by landlords prohibited.~~

A. Landlords are prohibited from unfair or abusive acts or practices or deceptive acts or practices as defined in this section.

B. For the purposes of this section:

1. "Deceptive acts or practices" means representations, omissions, acts or practices that mislead or are likely to mislead a tenant; the tenant's interpretation of the representation, omission, act or practice is reasonable under the circumstances; and the representation, omission, act or practice is material. "Deceptive acts or practices" includes threatening to evict a tenant for nonpayment of charges except as authorized by KMC ~~8.55.075~~.

2. "Unfair or abusive acts or practices" means those representations, omissions, acts or practices that:

- a. Materially interfere with the ability of any tenant to understand a term or condition of the rental agreement or the tenancy; or
- b. Take unreasonable advantage of a lack of understanding on the part of the tenant regarding the conditions of the tenancy or rights under the law or the inability of the tenant to protect the tenant's interests. [Ord. 22-0554 § 2 (Exh. 1).]

4. Section 8.55.095 of the Kenmore Municipal Code is amended to read as follows:

8.55.095 Defense to eviction.

It shall be a defense against eviction that a landlord ~~lacks just cause to evict a tenant as required in KMC 8.55.075~~ or is otherwise in violation of this chapter. [Ord. 22-0554 § 2 (Exh. 1).]

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Attachment #4 - Just Cause Evictions Explained

1. Background

Prior to 2021, landlords¹ in Kenmore could end month-to-month tenancies for any reason or none at all (if not retaliatory or discriminatory) after providing 20 days' notice. In 2021 the Legislature adopted RCW 59.18.650 [RCW 59.18.650: Eviction of tenant, refusal to continue tenancy, end of periodic tenancy—Cause—Notice—Penalties. \(wa.gov\)](#) which requires landlords to give a good or "just cause" reason to evict a tenant, refuse to continue a tenancy, or end a periodic tenancy (Just Cause Eviction). The law also requires landlords to either offer a new lease term or allow the tenancy to continue month-to-month unless a just cause reason applies.

2. When does Just Cause Eviction Apply?

A landlord may not evict a tenant, refuse to continue a tenancy or end a periodic tenancy without "just cause":

- If a landlord and tenant enter into a rental agreement that provides for the tenancy to continue on a month-to-month (indefinite period) or periodic basis after an agreement expires
- If the tenancy is for an indefinite period on a month-to-month or periodic basis
- All other tenancies not listed as exceptions to Just Cause Eviction (see

below)

At the end of a tenancy of a specified period, it becomes a month-to-month tenancy.

3. What are the "Just Cause" reasons:

A landlord must give one of the following "just causes" to end a residential tenancy, after giving required notice:

- Rent: Failure to pay rent - 14-day notice
- Violation of rental agreement: Substantial breach of material term of rental agreement, subsidized housing program or tenant obligation – 10-day notice
- Repeat rental violations: If tenant receives four or more 10-day notices of violation of rental agreement (see above) in 12-months - 60-day notice
- Waste, nuisance or crime: Committing or permitting waste or nuisance, unlawful activity that affects use and enjoyment of premises – 3-day notice
- Occupancy by landlord: Landlord, in good faith, seeks possession for owner or

¹ The term landlord is defined by RCW 59.18.030(16) to mean the owner, lessor, or sublessor of the dwelling unit or the property of which it is a part, and in addition means any person designated as representative of the owner, lessor, or sublessor including, but not limited to, an agent, a resident manager, or a designated property manager.

immediate family to occupy unit as principal residence and no equivalent unit is vacant and available – 90-day notice

- Sale: Owner elects to sell single-family residence – 90-day notice
- Demolish, substantially renovate or change in use: If landlord plans to demolish or substantially rehabilitate premises or change of use – 120-day notice
- Condo conversion: Owner elects to withdraw premises to pursue condo conversion – 120-day notice
- Condemned: Premise have been condemned as uninhabitable by local agency – 30-day notice
- Shared space: Service of notice to vacate when tenant shares dwelling unit or access to common kitchen or bathroom area – 20-day notice
- Failure to renew: Tenant fails to sign new rental agreement offered by landlord – 30-day notice
- Transitional housing: Tenant has aged out of transitional housing program or completed educational or training service program and no longer eligible for housing program – 30- day notice
- Misrepresentation: Tenant intentionally and knowingly misrepresents or omits material information from application that would have resulted in landlord requesting additional information or taking adverse action - 30-day notice
- Business reason: Landlord gives notice to vacate for other good cause prior to end of period or rental agreement and such cause constitutes a legitimate economic or business reason – 60-day notice
- Failure to register: Tenant required to register as sex offender during tenancy, or failed to disclose requirement to register as sex offender when required in the rental application – 60-day notice
- Sexual harassment: Tenant makes unwanted sexual advances or commits other acts of sexual harassment directed at property owner, property manager or employees, or another tenant based on person's race, gender or protected status in violation of a lease term – 20-day notice

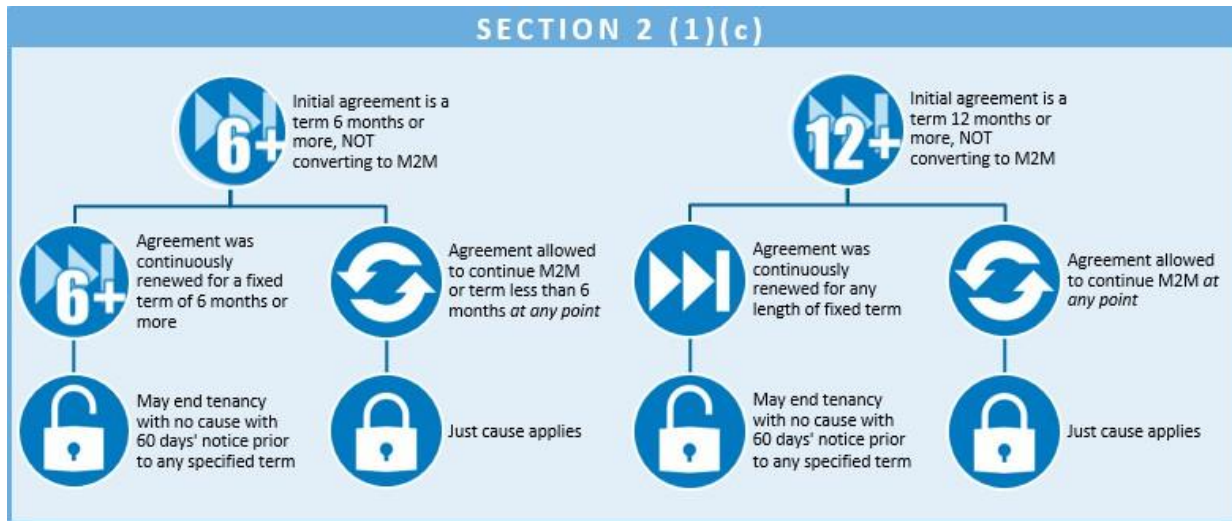
4. What are the exceptions to "Just Cause Eviction"?

Under state law, a landlord does not need to give "just cause" to evict or end the following tenancies:

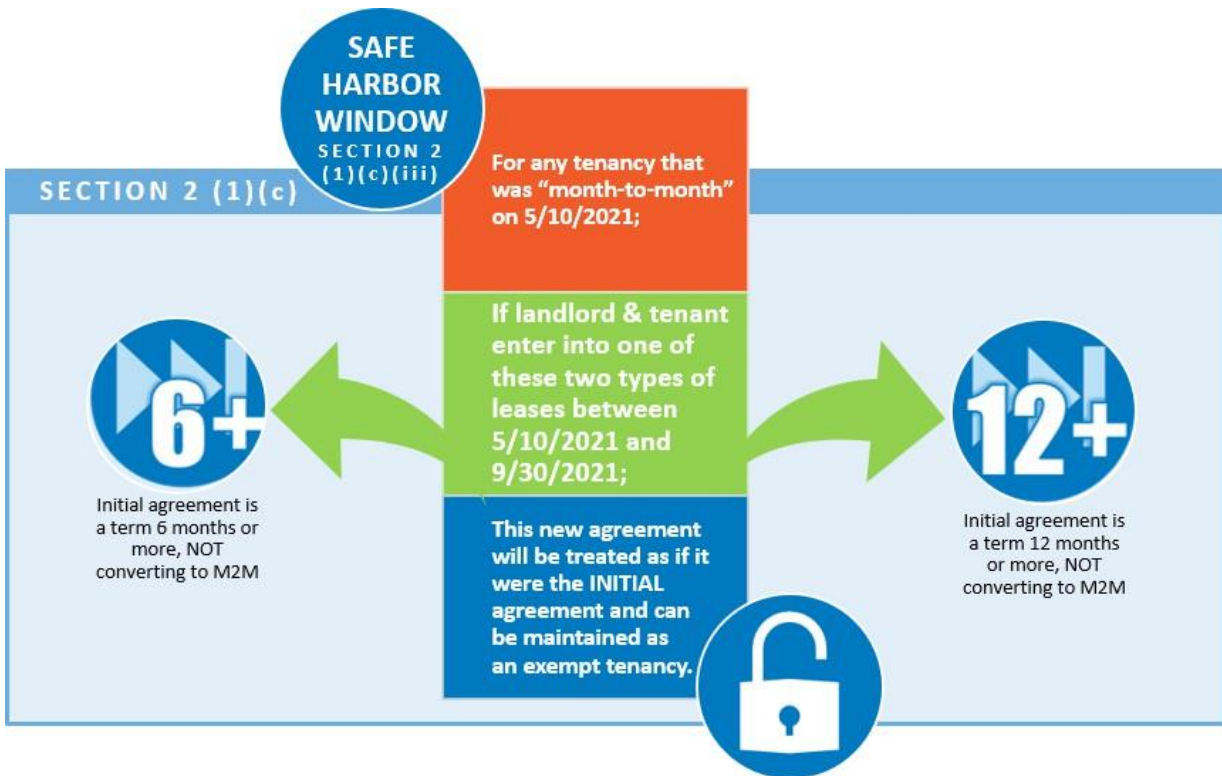
- Agreement for 6 months or more: At the inception of the tenancy, the landlord and tenant have entered into a rental agreement between 6 and 12 months, and the landlord has provided the tenant before end of initial lease at least 60 days' advance written notice ending the tenancy
- Agreement for 12 months or more: If landlord and tenant enter into rental agreement for specified period in which tenancy does not continue for a month-to-month or periodic basis after the end of the specific period, then the landlord may end tenancy without cause upon expiration of specified period, only if:

- At beginning of tenancy, the landlord and tenant entered into a rental agreement of 12 months or more for a specific period, or the landlord and tenant have continuously and without interruption entered into successive rental agreements of six months or more for a specified period since inception of tenancy;
- The landlord has provided the tenant before end of the specified period at least 60 days' advance written notice (properly served) that tenancy will be deemed expired at end of specified period; and
- The tenancy has not been for an indefinite period on a month-to-month or periodic basis at any point from the inception of the tenancy. But see below – can convert to exception.
- Conversion to rental agreement from May 10, 2021 – Sept. 30, 2021: For any tenancy of an indefinite period on a month-to-month or periodic basis in existence before May 10, 2021, if the landlord and tenant enter into a rental agreement between May 10, 2021 and Sept. 30, 2021 (3 months following the expiration of the Governor's Proc. 19.6 - Eviction Moratorium) the landlord may terminate without just cause as if the rental agreement was entered into at the inception of the tenancy.

"Just Cause" Termination Exempt Tenancies:²



² The graphic is an excerpt from a Rental Housing Association of WA publication, *Safe Harbor from Statewide Just Cause: Your Clock is Ticking* (Posted by: Christopher Cutting in Advocacy (blog/advocacy)), dated May 20, 2021. Complete publication at: <https://www.rhawa.org/blog/safe-harbor-from-statewide-just-cause>



5. Miscellaneous:

- A tenant may end a tenancy for a specified time by providing 20 days' notice in writing before end of lease
- Landlord who removes tenant in violation of just cause eviction may be liable to tenant for greater of economic and non-economic damage or three times monthly rent, plus reasonable attorneys' fees and court costs.
- If tenant leaves after Just Cause Eviction, landlord must give notice and opportunity to remaining occupants who resided with the tenant at least six months prior to tenant vacating, to either apply to become a party to the rental agreement or vacate – 30-day notice. Landlord may
 - require occupant to meet the same screening, background, and financial criteria as would any other prospective tenant to continue the tenancy
 - begin unlawful detainer if occupant fails to apply, or application is denied for failure to meet the criteria
 - only end for just cause if occupant becomes a party to the tenancy agreement (not applicable to subsidized housing).



City Council Agenda Bill City of Kenmore, WA

Subject/Topic: Swamp Creek property conservation and restoration potential prioritization.	For Council Meeting Agenda of: 9/16/2024 Department: Environmental Services Prepared by: Richard Sawyer, Env Svs Director										
Proposed Council Action/Motion: No Council action required, discussion only.	<table border="0"><thead><tr><th></th><th><u>Initial & Date</u></th></tr></thead><tbody><tr><td>Approved by Department Head:</td><td><u>RS</u></td></tr><tr><td>Approved by City Attorney:</td><td><u>NA</u></td></tr><tr><td>Approved by Finance Director:</td><td><u>NA</u></td></tr><tr><td>Approved by City Manager:</td><td><u>RK 9/6/24</u></td></tr></tbody></table> Attachments/Exhibits: Draft Swamp Creek Prioritization Results and Methodology Technical Memorandum		<u>Initial & Date</u>	Approved by Department Head:	<u>RS</u>	Approved by City Attorney:	<u>NA</u>	Approved by Finance Director:	<u>NA</u>	Approved by City Manager:	<u>RK 9/6/24</u>
	<u>Initial & Date</u>										
Approved by Department Head:	<u>RS</u>										
Approved by City Attorney:	<u>NA</u>										
Approved by Finance Director:	<u>NA</u>										
Approved by City Manager:	<u>RK 9/6/24</u>										
Summary: The conservation, restoration and protection of critical environmental habitat is a top priority for City Council and staff have worked with Osborn Consulting (OCI) to evaluate properties along Swamp Creek and Little Swamp Creek to evaluate and prioritize properties for this purpose. The results of this study will inform decisions on the potential acquisition and restoration of properties along Swamp Creek.											
Information/Background: Opportunities for the City occasionally come up to acquire property for environmental protection purposes. These opportunities may provide the city the ability to avoid development on a vacant property which would otherwise impact adjacent critical areas or it could allow the removal of existing development to restore natural environmental functions back to the property. The identification of a property does not mean that the City is actively pursuing acquisition or considering any kind of project on the property. These results provide the City with data to help inform future decisions if a potential opportunity comes up for acquiring a property or conducting a project. The methodology developed for this analysis also provides a framework to apply to other watersheds in the future.											
Methodology: Staff and OCI identified 155 properties along the main channel of Swamp Creek and Little Swamp Creek for this study. Geographical Information System (GIS) data from a variety of sources was used, including: • City of Kenmore – Parcels, wetlands, streams, critical areas, contours, floodplains, and zoning information, LiDAR data, critical area reports, and high resolution multi-spectral imagery.											

- King County iMap – Sensitive area notices, wetlands, streams, noxious weed inventory, and LiDAR data.
- Washington Department of Fish and Wildlife (WDFW) – The Priority Habitat and Species (PHS) Map and the SalmonScape Map.
- Washington State Department of Natural Resources (WA – DNR) – The Wetlands of High Conservation Value Map.
- U.S. Fish and Wildlife Service (USFWS) – The National Wetlands Inventory (NWI).
- Federal Emergency Management Agency (FEMA) – The Flood Insurance Risk Map (FIRM).
- U.S. Department of Agriculture (USDA) – The Web Soil Survey (WSS).
- National Marine Fisheries Service (NMFS) – Coho Intrinsic Potential (CIP).

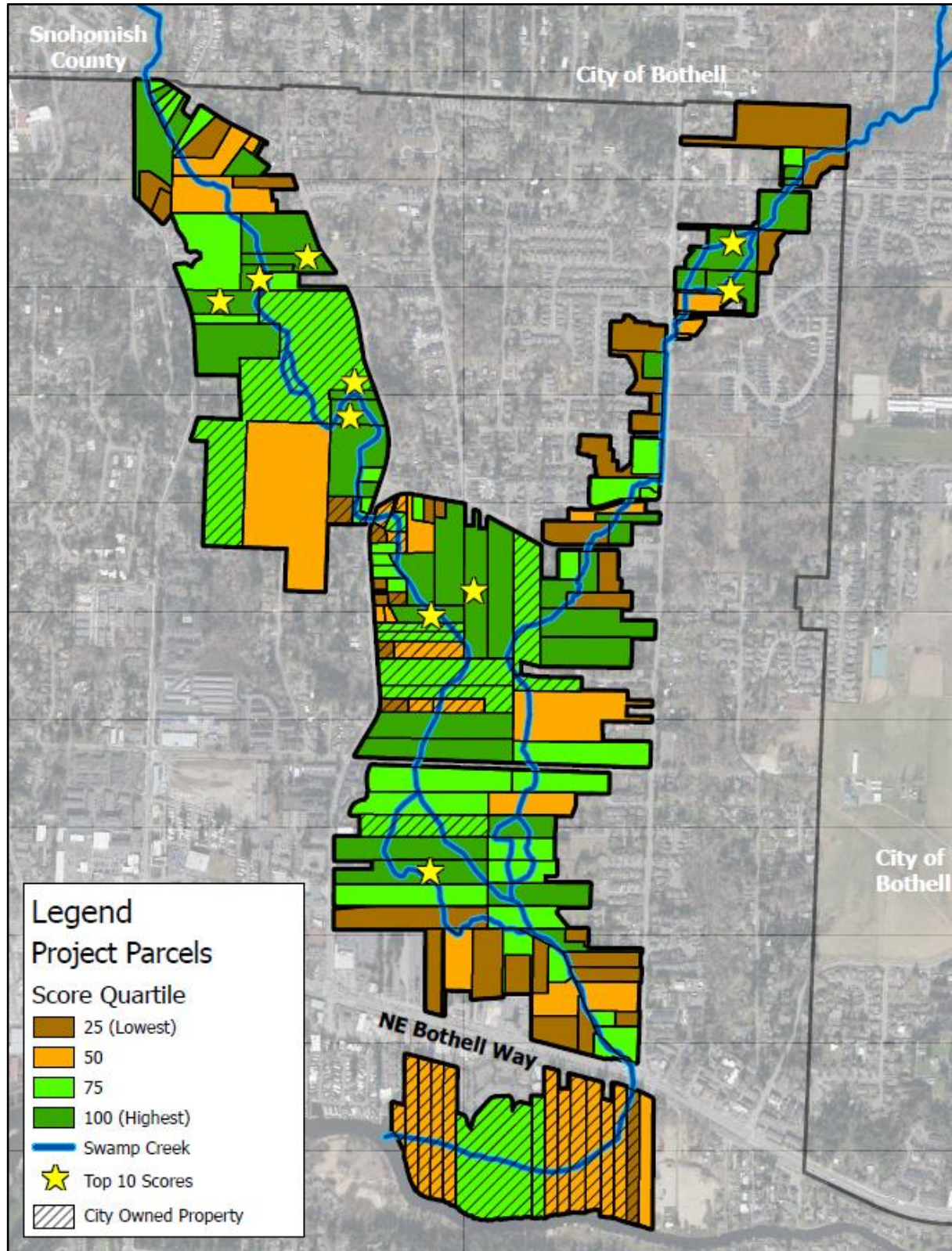
Using this data, a scoring matrix was developed to evaluate each property. Table 1 summarizes each scoring category and its corresponding weighted score value. A more detailed explanation of each scoring parameter is provided in the attached *Draft Swamp Creek Prioritization Results and Methodology Technical Memorandum* in section 2.

Table 1. Scoring Summary: Categories, Parameters, Weights, and Total Scores

Scoring Category	Scoring Parameters	Parameter Weight	Total Score
Property Development	Existing Development in Critical Area and Buffer	20	50
	Potential for Development in Critical Area and Buffer	20	
	Flooding	10	
Wetland Creation, Wetland Enhancement or Flood Storage Volume Creation	Potential Wetland Creation Area	10	50
	Proximity to Adjacent Critical Areas and Buffers	10	
	Potential Wetland Category	20	
	Existing Soil Conditions	5	
	Potential Off-Channel Endangered Species Rearing Habitat	5	
Wetland Protection	Existing Wetland Area	15	50
	Proximity to Adjacent Critical Areas and Buffers	10	
	Existing Wetland Category	20	
	Existing Off-Channel Endangered Species Rearing Habitat	5	
Riparian Planting and Invasive Species Management	Existing Critical Area	25	50
	Proximity to Adjacent Critical Areas and Buffers	15	
	Non-Native Species Cover Percentage	10	
Stream Restoration	Length of Stream on Property	20	50
	Proximity to Fish Passage Barrier	15	
	Downstream Fish Passage Barriers	10	
	Potential Stream Habitat Improvement	15	

Results:

Detailed results can be found in the attached *Draft Swamp Creek Prioritization Results and Methodology Technical Memorandum* in section 3, which were calculated for each category. The following figure provides a map showing a summary of total average scoring across all categories broken out in quartiles for each property. The top 10 scoring properties are indicated with a star.



Conclusion:

The results of this analysis will assist staff in evaluating opportunities for conserving, protecting and restoring critical habitat in the Swamp Creek basin. With the high cost of land acquisition, it is especially important to prioritize potential projects ensuring the most impactful are selected.

As you read through the attached *Draft Swamp Creek Prioritization Results and Methodology Technical Memorandum*, consider the following two items. First, I've presented a map of the overall average score for each property grouped into quartiles. This is a helpful map, however, in the report you will find additional maps that dive further into the data and present different views of the data based on the categories evaluated. For instance, a property may have not scored as high across all categories (resulting in a lower average score), but it may have been the highest in one category, such as stream restoration potential. Being able to filter out these types of nuances will be very helpful if an opportunity comes up. Second, the scoring may only differ by fractions of a point between properties, therefore, the user of this data should avoid the temptation to solely rely on a property's score rank to inform a decision.

Staff plan to utilize the methodology developed in this project, as time and resources allow, on other watersheds throughout the City. The Swamp Creek basin has historically provided the most opportunities for these types of acquisitions and projects to date, however, there are potentially many more opportunities in other areas of the city. For instance, the City is currently pursuing acquisition of a property located on Tributary 0057 that is eligible for a reasonable use exception and would result in unavoidable stream habitat impacts if developed. This tool is designed to identify those types of properties proactively and avoid the impacts before they happen.

Fiscal Consideration:

City Council's adopted *Rapid Progress+* funding program includes annual funds for conservation and restoration projects, which include property acquisition costs. Typically, staff can obtain King County Conservation Futures (CFT) grant funds to supplement the City's budget, and currently, CFT grants cover up to 75% of acquisition costs. Rapid Progress+ funds are scheduled to range from \$750K to \$875K, annually, through 2030. With CFT funds, this could potentially be increased to \$3M to \$3.5M, annually (City 25%, CFT 75%).

City Council Priority or Budget Objective Being Addressed:

City Council Priority #2 (2024) and #1 (2025) to Implement the adopted Climate Action Plan and promote environmental stewardship, including water, air, forest, and habitat restoration and preservation.



TECHNICAL MEMORANDUM

Project: 10-180049 TO 25 Swamp Creek GIS Prioritization Study
To: Richard Sawyer, ESD Director | City of Kenmore
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Subject: **DRAFT** - Swamp Creek Prioritization Results and Methodology
Date: August 30, 2024

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SECTION 1 INTRODUCTION

The City of Kenmore (City) has contracted Osborn Consulting (Osborn) to assist in prioritizing parcels in the Swamp Creek watershed for assessing the potential environmental benefits of acquiring each parcel. A map of the parcels included in this assessment is provided as **Figure 1**.



Osborn
Consulting

respond as new parcels become available. The methodology and results provide insights and recommendations for assessing future potential environmental projects within the Swamp Creek watershed. The Osborn team developed this methodology by analyzing a range of information and sources of data in close collaboration with City staff.

The information gathered includes the following sources of Geographic Information System (GIS) data:

- **City of Kenmore** — Parcels, wetlands, streams, critical areas, contours, floodplains, and zoning information, LiDAR data, and critical area reports
- **King County iMap** — Sensitive area notices, wetlands, streams, noxious weed inventory, and LiDAR data.
- **Washington Department of Fish and Wildlife (WDFW)** — The Priority Habitat and Species (PHS) Map and the SalmonScape Map.
- **Washington State Department of Natural Resources (WA – DNR)** — The Wetlands of High Conservation Value Map.
- **U.S. Fish and Wildlife Service (USFWS)** — The National Wetlands Inventory (NWI).
- **Federal Emergency Management Agency (FEMA)** — The Flood Insurance Risk Map (FIRM).
- **U.S. Department of Agriculture (USDA)** — The Web Soil Survey (WSS).
- **National Marine Fisheries Service (NMFS)** — Coho Intrinsic Potential (CIP).

The City also collected photogrammetry data using in-house resources for producing high-resolution photos, aerial imagery, and multispectral band imagery, which was pivotal to scoring the parcels studied. The Osborn team developed the scoring parameters and categories that are outlined in this memorandum together with City staff, with the intent that these scoring criteria and categories will be used to assess the potential of conducting different types of restoration activities on each parcel. If the City has a specific restoration need, scoring categories could be considered individually. Otherwise, these categories should be considered in aggregate for a more general evaluation of the overall environmental value. In total, five scoring categories were identified, developed, and refined, with one general category that is applicable to all project types. Each of the scoring categories was further divided into several scoring parameters, each of which evaluate specific aspects within each scoring category. The scoring categories are described in more detail in **Section 2**. A scoring summary with the relevant categories and associated parameters, weights, and total scores is available in **Table 1**.

Table 1. Scoring Summary: Categories, Parameters, Weights, and Total Scores

Scoring Category	Scoring Parameters	Parameter Weight	Total Score
Property Development	Existing Development in Critical Area and Buffer	20	50
	Potential for Development in Critical Area and Buffer	20	
	Flooding	10	
Wetland Creation, Wetland Enhancement or Flood Storage Volume Creation	Potential Wetland Creation Area	10	50
	Proximity to Adjacent Critical Areas and Buffers	10	
	Potential Wetland Category	20	
	Existing Soil Conditions	5	
	Potential Off-Channel Endangered Species Rearing Habitat	5	
Wetland Protection	Existing Wetland Area	15	50
	Proximity to Adjacent Critical Areas and Buffers	10	
	Existing Wetland Category	20	
	Existing Off-Channel Endangered Species Rearing Habitat	5	
Riparian Planting and Invasive Species Management	Existing Critical Area	25	50
	Proximity to Adjacent Critical Areas and Buffers	15	
	Non-Native Species Cover Percentage	10	
Stream Restoration	Length of Stream on Property	20	50
	Proximity to Fish Passage Barrier	15	
	Downstream Fish Passage Barriers	10	
	Potential Stream Habitat Improvement	15	

SECTION 2 METHODOLOGY

This section provides a detailed overview of the methodology that was developed for scoring parcels. This includes each of the scoring criteria and parameter previously listed in **Table 1**.

2.1 Property Development

The *property development* scoring category assesses considerations that are generally applicable to all potential restoration project types. Because this is a general category, it is best assessed in combination with the other scoring criteria to produce a total score for each project type.

This category incorporates three parameters for evaluation: (1.) the existing development in critical areas or buffers, (2.) the potential development in critical areas or buffers, and (3.) the flooding score. These parameters are described in the remainder of this section.

2.1.1 Existing Development in Critical Areas or Buffers

The scores for the *existing development in critical areas or buffers* parameter range from 0.00 to 1.00 and have a weight of 20 points. This parameter assesses the presence and severity of existing development in critical areas and buffers. A high score indicates that substantial impacts to either the existing critical areas or buffer on a parcel have occurred. A low score indicates little to no impacts to either the existing critical areas or buffer. This parameter was evaluated visually by using the existing critical area data as well as aerial imagery. **Table 2** provides possible scores for this parameter.

Table 2. Scores for the Existing Development in Critical Areas or Buffers Parameter

Score Description	Score
Existing development next to or abutting a stream edge	1.00
An impervious structure or surfaces in the critical area or buffer	0.75
Landscaping in the critical area or buffer	0.50
No visible impacts to the critical area or buffer	0.00

The scoring spreadsheet addresses each of these possibilities with a column for each of the first three scenarios, with a 1 to indicate a condition is present. If more than one of these conditions is present, the highest score is used. If none are present, the last listed possibility is used, which in this case has a score of 0.00.

2.1.2 Potential Development in Critical Areas or Buffers

The scores for the *potential development in critical areas and buffers* parameter range from 0.00 to 1.00 and have a weight of 20 points. This parameter assesses the likelihood of future development in critical areas or buffers. A high score indicates future impacts in the parcel are likely, whereas a low score indicates a smaller likelihood of future impacts. This was visually evaluated using the existing critical area data, as well as aerial imagery. **Table 3** provides possible scores for this parameter.

Table 3. Scores for the Potential Development in Critical Areas or Buffers Parameter

Score Description	Score
Existing protection (City Owned, CA Tract, Protective Easement)	0.00
Existing development in buffer with high potential to expand	0.50
Reasonable use exception potential	1.00
No specific indications for potential impacts	0.25

The scoring spreadsheet addresses each of these possibilities using a column for each of the first three scenarios, with a one (1) to indicate a condition is present. A reasonable use exception is a mechanism by which a local jurisdiction may grant relief from code requirements where compliance leaves no reasonable use of the property. It is required when adherence to zoning provisions would deny all reasonable use of the subject property due to its size, topography, or location relative to critical areas and associated buffers. Since most of the study parcels are relatively developed, very few parcels have potential for a reasonable use exception. If multiple of these conditions are present, the highest score is used. If none are present than the last listed possibility is used.

2.1.3 Flooding Score

The scores for the *potential development in critical areas and buffers* parameter range from 0.00 to 1.00 and have a weight of 10 points. This parameter assesses the severity of flooding concerns on the property, or buffers. A high score indicates future impacts in the parcel are likely, whereas a low score

indicates a smaller likelihood of future impacts. This was visually evaluated using the FEMA Floodplain Data, as well as aerial imagery. **Table 4** provides possible scores for this parameter.

Table 4. Scores for the Potential Development in Critical Areas or Buffers Parameter

Score Description	Score
Parcel in FEMA floodplain	0.50
Structure in FEMA floodplain	1.00
Parcel not in FEMA floodplain	0.00

The scoring spreadsheet addresses each of these possibilities using a column for each of the first three scenarios, with a one (1) to indicate a condition is present. If more than one of these conditions are present, the highest score is used. If none are present than the last listed possibility is used.

2.2 Wetland Creation, Enhancement, or Flood Storage Creation

The scoring for the *wetland creation, enhancement, or flood storage creation* category assesses considerations applicable to wetland creation, enhancement, and flood storage creation project types. This category was assessed using mostly the existing sensitive area and other environmental conditions data available from the sources listed in **Section 1.0**.

This category incorporates five parameters for evaluation: (1.) the potential wetland creation area, (2.) the proximity to adjacent critical areas, (3.) the potential wetland category, (4.) the existing soil conditions, and (5.) the potential off-channel endangered species rearing habitat. These parameters are described in the remainder of this section.

The total wetland creation, enhancement, or flood storage creation score was calculated by adding the *riparian planting and invasive species management* scores with the *property development* scores.

2.2.1 Potential Wetland Creation Area

The scores for the *potential wetland creation area* parameter are based on the percentage of the parcel area potentially conducive for wetland creation. These scores range from 0.00 to 1.00 and have a weight of 10 points. This parameter assesses the potential creation area based on the presence of existing wetlands, streams, floodplain, and hydric or predominantly hydric soils on the parcel, or if there are undeveloped portions of the parcel that are immediately adjacent to these critical areas or conditions. This parameter was evaluated using the existing critical area, floodplain, and soil data, as well as existing contours and visual observations of parcel development such as roadway, driveways, houses, yards, outbuilding structures, and open space.

The scoring spreadsheet addresses potential wetland creation areas with columns for the acres of potential wetland creation and the total parcel area along with a corresponding score. The score is the percentage of the parcel area that is potentially conducive to wetland creation, with a higher score indicating a greater area of the parcel that is potentially conducive to wetland creation. Following this, parcels with a potential wetland creation area equal or almost equal to their total area receive a score of 1.00, whereas parcels with no or very little potential wetland creation area compared to their overall size receive a score of 0.00.

2.2.2 Proximity to Adjacent Critical Areas and Buffers

The scores for the *proximity to adjacent critical areas* parameter are based on the percentage of the parcel perimeter this is adjacent to critical areas and buffers. These scores range from 0.00 to 1.00 and

have a weight of 10 points. This parameter assesses the potential for habitat connectivity between critical areas using the critical area and buffer information. The types of critical areas and buffers included for this analysis are the following: (1.) Existing Wetlands, which were defined as described in **Section 2.3.1**, (2.) Wetland Buffers, which were assumed to be 110 feet because habitat scores were not available for many wetlands; (3.) Stream Buffers, as provided by the city, (4.) Erosion Hazard Areas, as defined by City GIS data. Although Erosion Hazard Areas are not linked to habitat, they were included in this analysis to account for the potential of restoration projects to reduce erosion, which can degrade wetland and stream function.

The scoring spreadsheet addresses this parameter with columns for the total parcel boundary length, parcel boundary length along critical areas and buffers, and the percentage of parcel boundary critical areas and buffer. The first two columns were taken directly from GIS data, whereas the third column is calculated using the other two. Normalization was not necessary as some parcels are fully surrounded by critical areas and buffers.

The score represents the percentage of the parcel perimeter that is adjacent to critical areas or buffers, with a higher percentage resulting in a higher score closer to the maximum of 1.00. Conversely, parcels with a low percentage result in a lower score closer to the minimum of 0.00.

2.2.3 Potential Wetland Category

The scores for the *potential wetland category* parameter are based on an assigned potential wetland category for the potential wetland creation areas. The potential scores range from 0.00 to 1.00 and have a weight of 20 points. This parameter assesses a potential wetland category based on any existing wetlands and their known or assumed category or the assessment criteria used for determining potential wetland creation areas, as described in **Section 2.2.1**.

The scoring spreadsheet addresses the potential wetland category using columns for the assigned or calculated category and a corresponding score. Potential wetland creation areas were assigned a category of 1, 2, 3, or 4, representing a potential category I, II, III, or IV wetland. If a parcel contained multiple potential wetland areas, an area weighted average category was assigned. A high score of 1.00 indicates the potential for attaining the highest quality wetland category (Category I), whereas a lower score indicates potential for attaining the other wetland categories (Categories II, III, or IV). The final score for each parcel was calculated by dividing 1.00 (the highest potential category) by the wetland category rating. For this analysis, no potential wetland creation areas were assigned a Category I rating, so the highest score is 0.50, representing a Category II wetland.

2.2.4 Existing Soil Conditions

The scores for the *existing soil conditions* parameter are based on the dominant hydrologic soil group in the potential wetland creation areas. Scores range from 0.00 to 1.00 and have a weight of 5 points. Soils are classified into one of four hydrologic soil groups (Groups A, B, C, or D) to indicate the minimum infiltration rate obtained for bare soil after prolonged wetting. The corresponding infiltration rates are defined as high (Group A), moderate (Group B), low (Group C), or very low (Group D). **Table 5** provides the possible scores for this parameter.

Table 5. Scores for the Potential Development in Critical Areas or Buffers Parameter

Score Description	Score
Hydrologic Soil Group D	1.00
Hydrologic Soil Group A/D	0.50
Hydrologic Soil Group C	0.50
Hydrologic Soil Group B	0.25
Hydrologic Soil Group A	0.00
Not Applicable	0.00

The scoring spreadsheet addresses existing soil conditions using columns for the dominant hydrologic soil group in the potential wetland creation areas and a corresponding score. A high score indicates lower infiltration rates, whereas a lower score indicates higher infiltration rates. Parcels with a mix of hydrologic soil groups received a score based on the average of the existing hydrologic soil group scores (Group A/D = $0.00 + 1.00 / 2 = 0.50$). The USDA WSS data included a designation of not applicable when no hydrologic soil group was assigned; parcels with this result received a score of 0.00. For wetland creation projects in the region, the establishment of lower infiltration rate soils (higher scoring Group D or C) is preferred given their higher capacity for water retention.

2.2.5 Potential Off-Channel Endangered Species Rearing Habitat

The scores for the *potential off-channel endangered species rearing habitat* parameter are based on the existing stream channel length on the parcel. The scores range from 0.00 to 1.00 and have a weight of 5 points. **Table 6** lists the possible scores for this parameter.

Table 6. Scores for Potential Off-Channel Endangered Species Rearing Habitat

Score Description	Score
Stream Channel Length – Greater than 200 linear feet	1.00
Stream channel length – 100 to 200 linear feet	0.75
Stream channel length – 50 to 100 linear feet	0.50
Stream channel length – 0 to 50 linear feet	0.25
No stream on-site	0.00

The scoring spreadsheet addresses potential off-channel habitat areas with columns for stream channel length on the parcels and a corresponding score. A high score of 1.00 represents parcels with stream channels greater than 200 feet long, whereas a score of 0.00 represents parcels with no stream channels.

2.3 Wetland Protection

The *wetland protection* scoring category assesses considerations applicable to the wetland and stream restoration project types. This category was assessed using mostly the existing wetland and various other environmental conditions data available from the sources listed in **Section 1.0**.

This category incorporates four parameters for evaluation: (1.) the existing wetland area, (2.) proximity to adjacent critical areas, (3.) the existing wetland category, and (4.) existing off-channel endangered species rearing habitat. These parameters are described in the remainder of this section.

The total wetland protection score was calculated by adding the *wetland protection* scores with the *property development* scores.

2.3.1 Existing Wetland Area

The scores for the *existing wetland area* parameter are based on the percent of the parcel area containing wetlands. They range from 0.00 to 1.00 and have a weight of 15 points. This parameter was evaluated using the combined existing wetland data provided by the City of Kenmore, King County, and from the National Wetlands Inventory (NWI) maintained by the U.S. Fish and Wildlife Service (USFWS), as well as observations of various development on the parcels of interest, including roadways, driveways, houses, yards, and outbuilding structures. Some existing wetland areas were manually revised to either exclude areas where existing development was observed or include undeveloped areas that were designated as wetland by King County and USFWS and were visually similar to the immediately adjacent existing wetlands designated by the City of Kenmore.

The scoring spreadsheet addresses the existing wetland area with columns for acres of existing wetland and total parcel area along with a corresponding score. The score represents the percentage of the parcel area with existing wetlands. A high score indicates a larger area of existing wetland is present relative to the total parcel size, whereas a lower score is indicative of a smaller area of the existing wetland relative to total parcel size. Parcels with no existing wetlands or a very limited extent of existing wetlands relative to their total size will receive a score of 0.00.

2.3.2 Proximity to Adjacent Critical Areas and Buffers

The *proximity to Adjacent Critical Areas and Buffers* parameter was calculated in a previous scoring category and used directly for this category. **Section 2.2.2** describes the methodology used to calculate scores for this parameter.

2.3.3 Existing Wetland Category

The scores for the *existing wetland category* parameter are based on assigned or assumed wetland categories for existing wetlands. These scores range from 0.00 to 1.00 and have a weight of 20 points. This parameter assesses a wetland category based on any existing wetlands and their known category from the City of Kenmore, King County, and USFWS (NWI) data or an assumed category based on the existing category of nearby wetlands and any similarities in site conditions.

The scoring spreadsheet addresses the existing wetland category with columns for the assigned, assumed, or calculated wetland category and a corresponding score. Existing wetlands received an assigned or assumed category (1, 2, 3, or 4) representing a Category I, II, III, or IV wetland, respectively, or a weighted average based on size when two or more wetlands of different categories are present on the same parcel. A high score of 1.00 indicates the highest quality wetland (Category I), whereas a lower score represents either the other wetland categories (Categories II, III, or IV) individually or a weighted average when multiple wetlands of different categories are present on the same parcel. The final score for each parcel is produced by dividing 1 (the highest potential category) by the corresponding assigned, assumed, or calculated category.

2.3.4 Existing Off-Channel Endangered Species Rearing Habitat

The scores for the *existing off-channel endangered species rearing habitat* parameter are based on the percent of the parcel area containing off-channel habitat, range from 0.00 to 1.00, and have a weight of 5 points. This parameter assesses the area of off-channel habitat based on the presence of existing wetlands, floodway, and 100-year floodplain on the parcel. After these three data layers were intersected through GIS, a manual inspection through LiDAR and aerial imagery was performed to assess the

geographic accuracy of potential off-channel habitat in which the layer polygons were reshaped based on proximity to the channel.

The scoring spreadsheet addresses existing off-channel endangered species rearing habitat with columns for the existing off-channel habitat area, total parcel area, and the percentage of the parcel area calculated from those two columns. The parameter score is the percentage of the parcel area with existing off-channel habitat. A high score indicates a larger area of the existing off-channel habitat is present relative to the parcel size, whereas a lower score indicates a smaller area of the existing off-channel habitat relative to the parcel size. Parcels with little to no existing habitat relative to their total size are assigned a score of 0.00.

2.4 Riparian Planting and Invasive Species Management

The *riparian planting and invasive species management* scoring category assesses considerations that are applicable to wetland and stream restoration project types. This category was assessed using mostly the existing critical area and various other environmental conditions data available from the sources listed in **Section 1.0**.

This category incorporates three parameters for evaluation: (1.) the existing critical area percentage, (2.) the proximity to adjacent critical areas, and (3.) noxious weed presence. These parameters are described in the remainder of this section.

The total riparian planting and invasive species management score was calculated by adding the *riparian planting and invasive species management* score with the *property development* score.

2.4.1 Existing Critical Area and Buffer

The scores for the existing critical area and buffer parameter are based on the percentage of the parcel area that is critical areas and buffer. This parameter is intended to account for the increased value riparian planting and invasive species management projects will have for parcels if they contain more critical area and buffer. These scores range from 0.00 to 1.00 and have a weight of 25 points. The types of critical areas and buffers included for this analysis are: (1.) Existing Wetlands, which were defined as described in **Section 2.3.1**, (2.) Wetland Buffers, which were assumed to be 110 feet since habitat scores were not available for many wetlands, (3.) Stream Buffers, as provided by the city, (4.) Erosion Hazard Areas, as defined by City GIS data. Although Erosion Hazard Areas are not linked to habitat, they were included in this analysis to account for the potential of restoration projects to reduce erosion, as well as the risk erosive areas pose in regard to the spread of invasive species.

The scoring spreadsheet addresses this parameter with columns for the total parcel area, critical area and buffer area within the parcel, and the percentage of parcel containing critical area and buffer. The first two columns were taken directly from GIS data, while the third column is calculated using the other two. Normalization was not necessary as some parcels are entirely critical area and buffer.

The score represents the percentage of the parcel area that is composed of critical area and buffer, with a higher percentage resulting in a higher score, closer to the maximum of 1.00. Conversely, parcels with a low percentage receive a lower score closer to the minimum of 0.00.

2.4.2 Proximity to Adjacent Critical Areas and Buffers

The *proximity to Adjacent Critical Areas and Buffers* parameter was calculated in a previous scoring category and used directly for this category. **Section 2.2.2** describes the methodology used to calculate scores for this parameter.

2.4.3 Noxious Weed Presence

The scores for the *noxious weed presence* parameter are based on recorded occurrences of King County Class A and Regulated Class B (B-Reg) noxious weed species. These scores range from 0.00 to 1.00 and have a weight of 10 points. Property owners are required to eradicate Class A species and control B-Reg species. Occurrences of Class A species were not recorded for any of the parcels of interest, and no more than three occurrences of any B-Reg species were recorded on any one parcel. **Table 7** provides the possible scores for this parameter.

Table 7. Scores for Noxious Weed Presence

Scoring Description	Score
Number of Occurrences of Regulated Class B Noxious Weeds – 3	1.00
Number of Occurrences of Regulated Class B Noxious Weeds – 2	0.67
Number of Occurrences of Regulated Class B Noxious Weeds – 1	0.33
Number of Occurrences of Regulated Class B Noxious Weeds – None	0.00

The scoring spreadsheet addresses noxious weed presence with columns for number of occurrences and a corresponding score. Because the maximum occurrence of any B-Reg species on any one parcel was three, scores were normalized by dividing the number of occurrences by the maximum number of occurrences found overall (3) to get a maximum score of 1.00. Therefore, a high score of 1.00 indicates three occurrences of one or more B-Reg species on a parcel, whereas no occurrences receive a score of 0.00.

Given the widespread presence of non-regulated noxious weeds such as reed canary grass (*Phalaris arundinacea*) and Himalayan blackberry (*Rubus armeniacus*) in most critical areas across King County, there is equal opportunity to control these non-native species and replace them with native species in most parcels that contain critical areas.

2.5 Stream Restoration

The *stream restoration* category was scored using mostly existing environmental GIS data available to the public, as well as data that was obtained from the City of Kenmore. All of the environmental data factors used were intersected with individual parcel data, with scores being given to each individual parcel based on their proximity to or containing the following environmental data.

This category incorporates three parameters for evaluation: (1.) the length of the stream on property, (2.) the proximity to the fish passage barrier, (3.) the downstream fish passage barriers, and (4.) potential stream habitat improvement.

The total stream restoration score was calculated by adding the *stream restoration* scores with the *property development* scores.

2.5.1 Length of Stream on Property

The scores for the *length of stream on Property* parameter were calculated based on the existing stream length in each parcel. These scores range from 0.00 to 1.00 and have a weight of 20 points. Stream linework provided by the City was used as a starting point for this analysis. The stream linework was revised using drone imagery and LiDAR data. The stream segments were broken at parcel boundaries and then the total stream length for each parcel was calculated using GIS.

The scoring spreadsheet includes columns for the resulting stream lengths and a corresponding score. The score is calculated by dividing the stream length on a parcel by the maximum stream length on any parcel in the study area. Therefore, a high score near 1.00 indicates a parcel with a relatively large stream length in the study area, whereas a low score near 0.00 indicates a parcel contains a relatively small length of stream.

2.5.2 Proximity to Fish Passage Barrier

The scores for the *proximity to fish passage barrier* parameter range from 0.00 to 1.00 and have a weight of 15 points. This parameter assesses if work on the parcel has the potential to be conducted as part of, or in conjunction with a fish passage barrier correction. This parameter was evaluated using barrier information from the WDFW Open Data GIS website. Given the limited number of barriers in the study area, the proximity of parcels to each barrier was manually recorded. **Table 8** provides possible scores for this parameter.

Table 8. Scores for the Proximity to Fish Passage Barrier Parameter

Score Description	Score
Fish Passage Barrier Present on the Parcel	1.00
Fish Passage Barrier Adjacent to the Parcel	0.50
No Fish Passage Barriers Present on or Adjacent to the Parcel	0.00

The scoring spreadsheet includes a column for each of the first two scenarios (marked with a 1 to indicate presence of a fish passage barrier). If more than one of these conditions is present (i.e., a barrier is present on and adjacent to the parcel), the highest score is used. If none of the conditions exist, a score of 0.00 is used.

2.5.3 Downstream Fish Passage Barriers

The scores for the *downstream fish passage barriers* parameter range from 0.00 to 1.00 and have a weight of 10 points. This parameter assesses accessibility of a potential stream restoration project on the parcel by anadromous fish. This parameter was evaluated using barrier information from the WDFW Open Data GIS website. Given the limited number of barriers in the study area, the number of downstream barriers was recorded manually. **Table 9** provides possible scores for this parameter.

Table 9. Scores for the Downstream Fish Passage Barriers Parameter

Score Description	Score
No Downstream Fish Passage Barriers	1.00
One Downstream Fish Passage Barrier	0.50
Two or More Downstream Fish Passage Barriers	0.00
Not -Applicable - No Stream on the Parcel	0.00

The scoring spreadsheet includes columns for the number of downstream barriers for each parcel and a corresponding score. A parcel with no stream channel present was categorized as not applicable, resulting in a score of 0.00.

2.5.4 Potential Stream Habitat Improvement

The scores for the *potential stream habitat improvement* parameter range from 0.00 to 1.00 and have a weight of 15 points. This parameter is intended to assess the potential for a stream restoration project to

result in high quality stream habitat. To assess this parameter, the Coho Intrinsic Potential (CIP) stream layer produced by the National Marine Fisheries Service (NMFS) was used. The CIP measures the potential for development of favorable habitat characteristics based on geomorphic and hydrogeological characteristics of the stream and its surroundings. Whereas this scoring was developed for Coho salmon specifically, it can be used as a baseline for other species. Therefore, CIP scores were used directly for scoring this parameter. The stream segments for the CIP data were averaged for each parcel to produce a single CIP score ranging from 0.00 to 1.00 for each parcel. A high score near the maximum of 1.00 indicates high potential for quality stream habitat, while a low score near the minimum of 0.00 indicates a low potential for quality stream habitat.

2.6 Overall Average

The overall average scores were calculated by averaging the total scores for the four project types described in the preceding sections. This aggregate score does not involve any additional categories or parameters.

SECTION 3 RESULTS

This section provides an overview of the results of the analysis described in **Section 2**. The full scoring results for each parcel will be provided separately in both Excel and GIS formats.

3.1 Property Development

As discussed in the methodology section, the property development category is not intended for independent evaluation. Rather, it is utilized as part of the combined scoring for each of the project types described in the remainder of **Section 3**. The property development scores for individual parcels range from 5 to 35. The maximum possible score for this category is 50.

3.2 Wetland Creation, Enhancement, or Flood Storage Creation

For the *wetland creation, enhancement, or flood storage creation* category, individual parcel scores ranged from 5.00 to 61.1. **Table 10** provides the top 10 scoring parcels, which have scores ranging from 50.2 to 61.1.

Table 10. Top 10 Parcels for Wetland Creation, Enhancement, or Flood Storage Creation

Rank	Parcel ID	Address	Score
1	0126049024	19934 80TH AVE NE	61.1
2	0126049075	19914 80TH AVE NE	59.0
3	0126049019	19920 80TH AVE NE	56.9
4	0114100230	19235 73RD AVE NE	56.4
5	0114101080	19225 80TH AVE NE	55.3
6	0114100960	18128 73RD AVE NE	54.0
7	0114100299	6710 NE 202ND ST	53.6
8	0114101072	7904 NE 192ND ST	52.9
9	0114100221	19507 73RD AVE NE	52.5
10	0114100711	7325 NE 192ND ST	50.2

Figure 2 provides the locations of these top ten highest scoring parcels. The top-ranking parcels represent areas that are largely undeveloped, with a stream, floodplain, or wetland on-site or on an

adjacent parcel. Although the parcels are distributed across the northwest, central, and northeast portions of the prioritization study area, seven of them are adjacent to one or more of the other parcels (specifically, parcels 1, 2, and 3; 4 and 9; 5 and 8). Of the remaining three parcels, two (parcels 6 and 10) are in the large central Swamp Creek wetland complex and one (parcel 7) is in the far northwest portion of the prioritization study area.

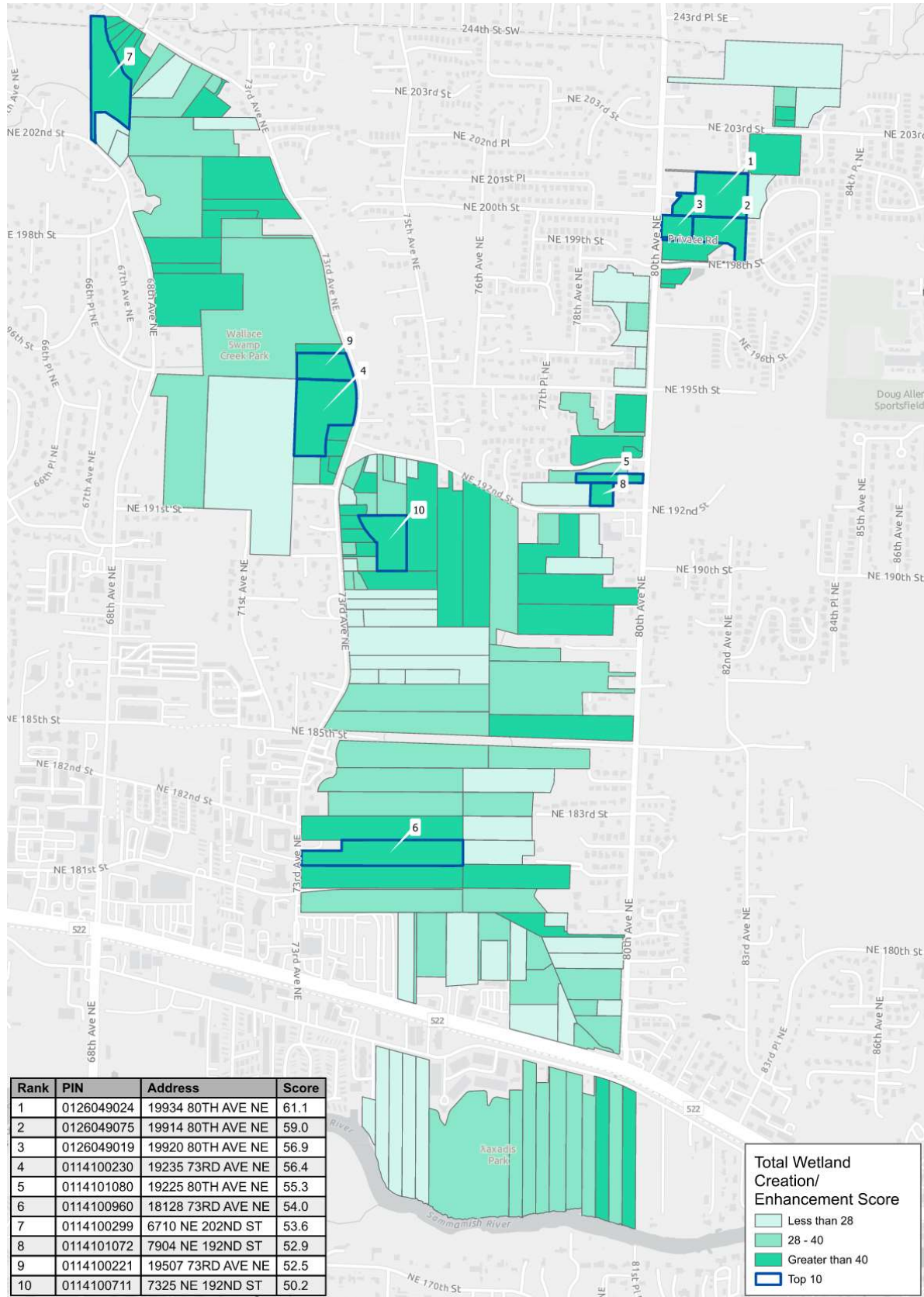


Figure 2. Top 10 Parcels for Wetland Creation, Enhancement, or Flood Storage Creation

3.3 Wetland Protection

For the *wetland protection* category, individual parcel scores ranged from 5.00 to 67.4. **Table 11** provides the top ten highest scoring parcels, which have scores ranging from 58.7 to 67.4.

Table 11. Top 10 Parcels for Wetland Protection

Rank	Parcel ID	Address	Score
1	114100280	19921 73RD AVE NE	67.4
2	0114101015	18918 73RD AVE NE	64.8
3	0114100960	18128 73RD AVE NE	64.0
4	0114100225	19525 73RD AVE NE	62.9
5	0114100195	19927 73RD AVE NE	62.7
6	0114100720	7511 NE 192ND ST	62.6
7	0114100725	7625 NE 192ND ST	59.8
8	0114100985	18510 73RD AVE NE	59.3
9	3724500000	18200 73RD AVE NE	59.2
10	0114100736	7815 NE 192ND ST	58.7

Figure 3 provides the locations of these top ten parcels. The top-ranking parcels represent areas that are largely undeveloped, with existing wetlands, streams and floodplains. Seven out of the ten parcels are located within the large Swamp Creek wetland complex in the central portion of the prioritization study area. These seven parcels are clustered into four areas, with five adjacent to one or more of the other parcels (specifically, parcels 2, 6, and 7; 3 and 9), and two parcels (parcels 8 and 10) isolated from the others. The remaining three parcels (parcels 1, 4, and 5) are in the northwest portion of the prioritization study area, with parcels 1 and 5 adjacent to one another.

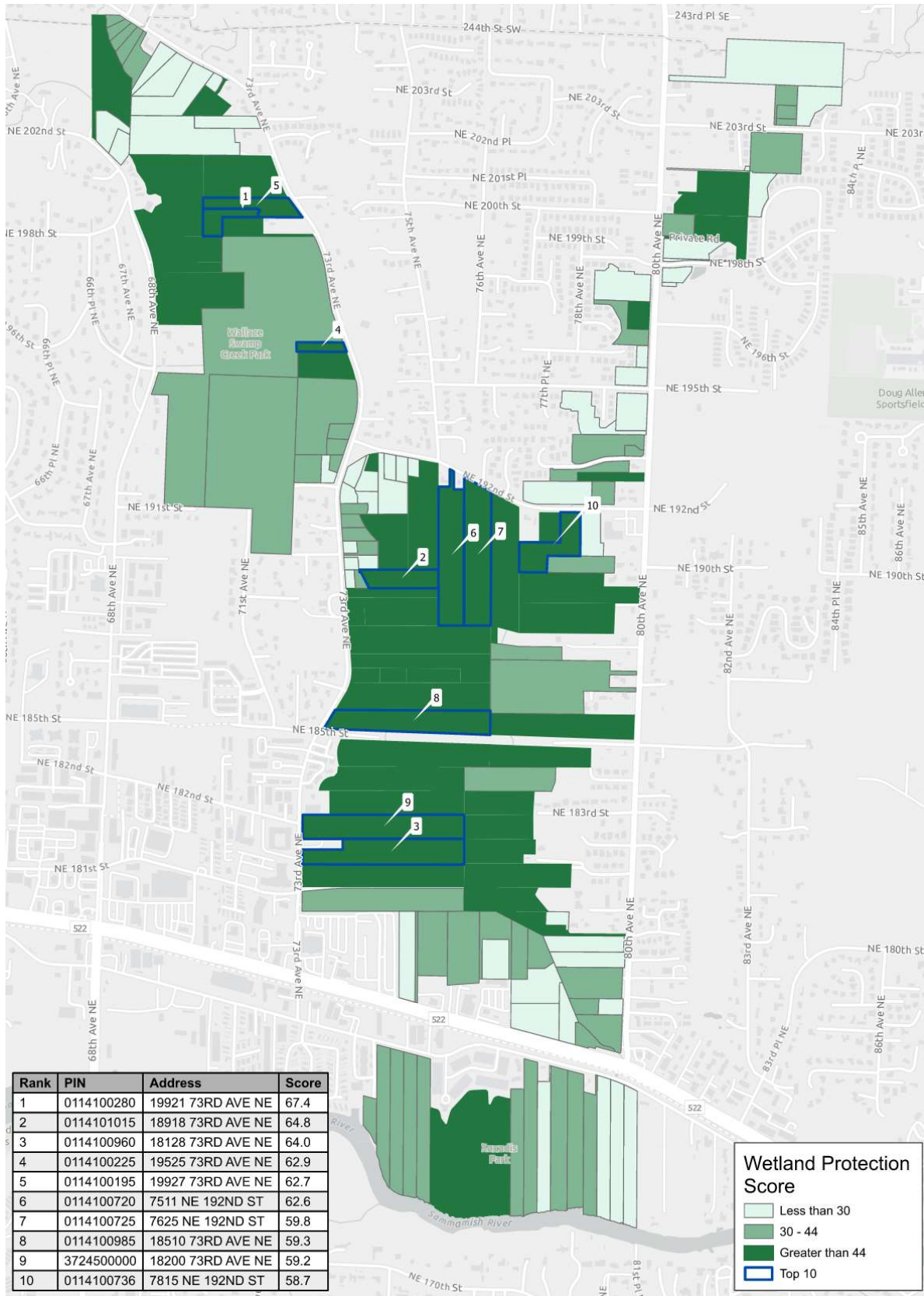


Figure 3. Top 10 Parcels for Wetland Protection

3.4 Riparian Planting and Invasive Species Management

For the *riparian planting and invasive species management* category, individual parcel scores ranged from 5.00 to 76.7. **Table 12** provides the top 11 scoring parcels, which have scores ranging from 70.0 to 76.7. One extra parcel was included as part of the top scores because it received the same score (70.0) as the other lower ranked parcels.

Table 12. Top 11 Parcels for Riparian Planting and Invasive Species Management

Rank	Parcel ID	Address	Score
1	0114100221	19507 73RD AVE NE	76.7
2	0114100276	19812 68TH AVE NE	76.7
3	0114101015	18918 73RD AVE NE	75.6
4	0126049024	19934 80TH AVE NE	75.0
5	0114100230	19235 73RD AVE NE	73.5
6	0114100280	19921 73RD AVE NE	73.3
7	0114100195	19927 73RD AVE NE	73.3
8	0126049207	19557 80TH AVE NE	70.0
9	0114100225	19525 73RD AVE NE	70.0
10	0126049019	19920 80TH AVE NE	70.0
11	0126049188	No Address	70.0

Figure 4 shows the locations of the 11 parcels. The top-ranking parcels are concentrated in the northwest and northeast portions of the prioritization study area and represent mostly undeveloped areas, with a mix of on-site streams, floodplain, and wetlands. Six out of the 10 parcels are clustered in two separate groupings within the northwest portion (specifically, parcels 1, 6, and 7; 2, 5, and 11). Parcels 4, 8, 9, and 10 are in the northeast portion, with parcels 4 and 10 adjacent to one another. The remaining parcel (parcel 3) is located within the large Swamp Creek wetland complex in the central portion of the

prioritization study area.

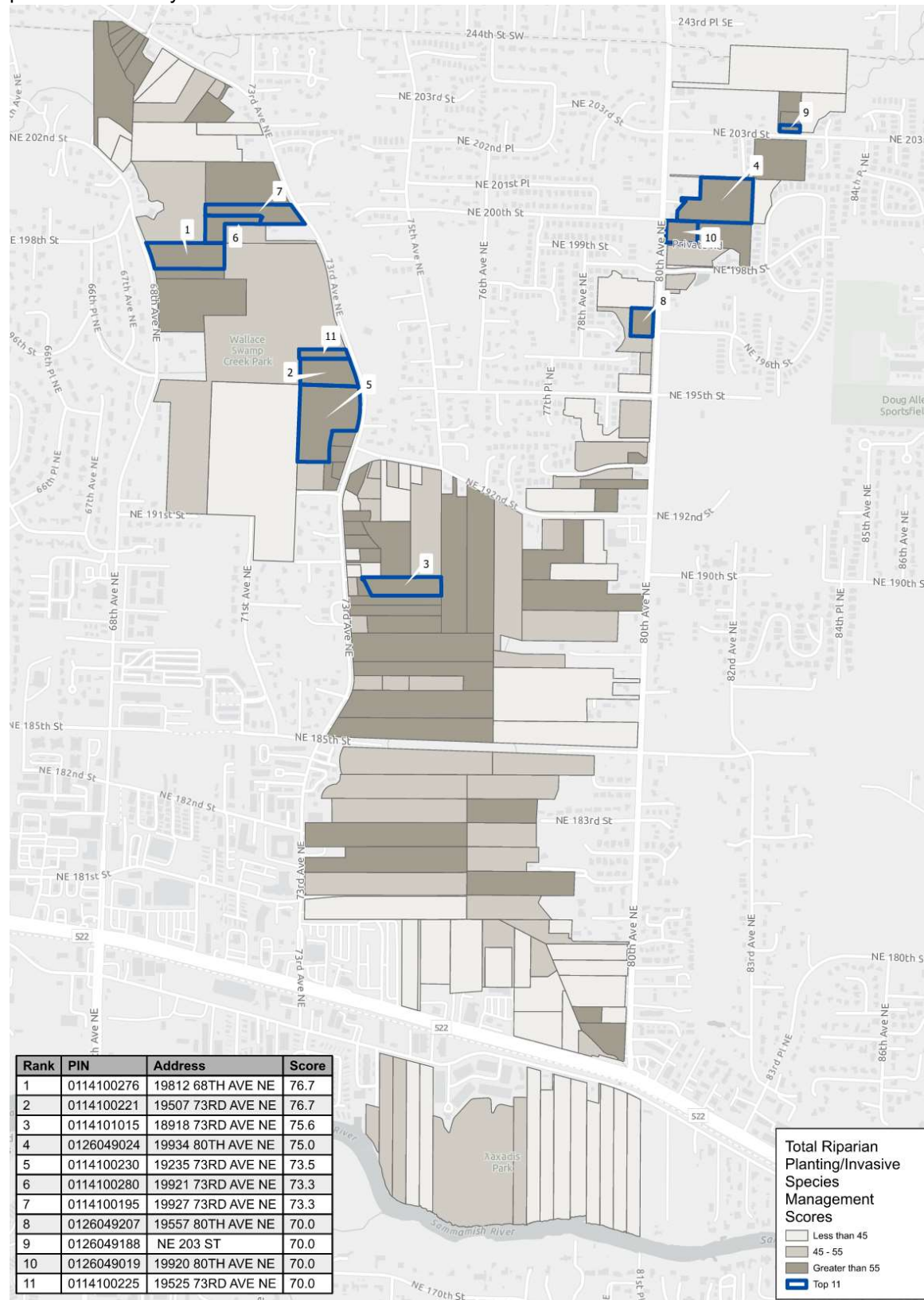


Figure 4. Top 11 Parcels for Riparian Planting and Invasive Species Management

3.5 Stream Restoration

For the *stream restoration* category, individual parcel scores ranged from 15.0 to 64.8. **Table 13** provides the top 10 scoring parcels, which have scores ranging from 59.8 to 64.8.

Table 13. Top 10 Parcels for Stream Restoration

Rank	Parcel ID	Address	Score
1	0114100299	6710 NE 202ND ST	64.8
2	0126049075	19914 80TH AVE NE	64.2
3	0114100280	19921 73RD AVE NE	63.3
4	0114100276	19812 68TH AVE NE	63.1
5	0126049024	19934 80TH AVE NE	62.6
6	0114100711	7325 NE 192ND ST	62.4
7	0114100195	19927 73RD AVE NE	61.9
8	0114100230	19235 73RD AVE NE	60.8
9	011410TR-X	No Address	60.5
10	0114100190	20015 73RD AVE NE	59.8

Figure 5 provides the locations of these top 10 parcels. The parcels represent mostly undeveloped areas, with a mixture of on-site streams, floodplain, and wetlands. Seven of the ten parcels are concentrated in the northwest portion of the prioritization study area, with five of them clustered in a single central grouping (parcels 3, 4, 7, 9, and 10) and the other two other parcels (parcels 1 and 8) located on opposite ends of the area. Parcels 2 and 5 are adjacent to each other in the northeast portion, whereas the parcel 6 is located within the large Swamp Creek wetland complex in the central portion of the prioritization study area.



Osborn
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3.6 Overall Average

The overall average scores for individual parcels ranged from 7.5 to 62.0. **Table 14** provides the top 10 scoring parcels, which have scores ranging from 57.9 to 62.0.

Table 14. Top 10 Parcels by Overall Average Score

Rank	Parcel ID	Address	Score
1	0114100280	19921 73RD AVE NE	62.0
2	0114100195	19927 73RD AVE NE	61.8
3	0126049024	19934 80TH AVE NE	61.2
4	0114100221	19507 73RD AVE NE	61.1
5	0114101015	18918 73RD AVE NE	60.4
6	0114100276	19812 68TH AVE NE	60.0
7	0126049075	19914 80TH AVE NE	59.3
8	0114100720	7511 NE 192ND ST	59.2
9	0114100960	18128 73RD AVE NE	58.3
10	0114100225	19525 73RD AVE NE	57.9

Figure 6 provides the locations of these top ten highest scoring parcels. The parcels represent mostly undeveloped areas, with a mixture of on-site streams, floodplain, and wetlands. Five of the ten parcels are concentrated in the northwest portion of the prioritization study area, with three of them clustered in a single central grouping (specifically, parcels 1, 2, and 6) and the other two (parcels 4 and 10) located in the south. Parcels 3 and 7 are adjacent to each other in the northeast portion, whereas parcels 5 and 8 are adjacent to one another on the northern end of the Swamp Creek wetland complex. The remaining parcel 9) is located farther south in the wetland complex.



Figure 6. Top 10 Parcels by Overall Average Score

SECTION 4 CONCLUSION

Osborn assessed a total of 155 parcels as part of the Swamp Creek Prioritization study. This analysis was conducted using a variety of data sources collected by the City and Osborn. These data were used to score parcels based on five different categories intended to assess the potential of conducting different types of restoration activities on each parcel. The results of this scoring showed that some parcels received high scores for multiple categories, indicating that these parcels might be particularly beneficial for the City to consider for future acquisition or restoration projects. **Table 15** compares the rankings of all the top 10 parcels of each category.

Table 15. Comparison of Top 10 Parcels for Each Category

Top Parcels	Parcel Rank by Category				
	Overall Average	Wetland Creation	Wetland Protection	Riparian Planting	Stream Restoration
114100280	1	--	1	6	3
114100195	2	--	5	7	7
126049024	3	1	--	4	5
114100221	4	9	--	1	--
114101015	5	--	2	3	--
114100276	6	--	--	2	4
126049075	7	2	--	--	2
114100720	8	--	6	--	--
114100960	9	6	3	--	--
114100225	10	--	4	9	--
126049019	--	3	--	10	--
114100230	--	4	--	5	8
114101080	--	5	--	--	--
114100299	--	7	--	--	1
114101072	--	8	--	--	--
114100711	--	10	--	--	6
114100725	--	--	7	--	--
114100985	--	--	8	--	--
3724500000	--	--	9	--	--
114100736	--	--	10	--	--
126049207	--	--	--	8	--
126049188	--	--	--	11	--
11410TR-X	--	--	--	--	9
114100190	--	--	--	--	10

The top ten highest scoring parcels (based on the overall average) share 22 rankings with the specific project type categories. The only equal ranking shared between the overall average and any other category was for parcel 114100280, which received a ranking of 1 for both the overall average and the wetland protection category. Parcel 126049024 appeared to share some of the closest rankings among

most of the categories, with an overall rating of 3, wetland creation rating of 1, riparian planting rating of 4, and stream restoration rating of 5.

This list of parcels, as well as the scoring spreadsheet and GIS data have been provided separately, so the City can quickly and appropriately respond as new parcels become available for assessment. Additionally, the spreadsheet has been designed to enable city staff to adjust the scoring weights to adapt to any future changes to the City's priorities. These tools will allow the city to effectively use the relevant funding to achieve the greatest environmental benefit when purchasing parcels or conducting restoration projects in the Swamp Creek Watershed. The prioritization study could also be adapted to assess other watersheds within the City.

Assessment Tool

Property Conservation & Restoration



CITY OF KENMORE
ENVIRONMENTAL SERVICES

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Consulting



Background



- **City Council Priority**
 - Habitat restoration & preservation
- **Climate Action Implementation**
 - Natural Systems & Water Resources
- **Rapid Progress+**
 - Established funding for acquisition and projects
- **Updating Codes**
 - Information needed for zoning regulation discussions

Analysis Parameters



Property Development

- Reasonable Use Exception
- Encroachments, Existing Development, Potential for Development
- Flooding

Wetland Creation, Enhancement or Flood Storage Creation

- Soils
- Adjacent Critical Area or buffers
- Wetland Category
- Potential Rearing Habitat

Analysis Parameters



Wetland Protection

- Existing Wetland Area
- Existing Adjacent Critical Area or buffers
- Existing Wetland Category
- Existing Rearing Habitat

Riparian Planting & Invasive Species

- Existing Critical Area
- Adjacent Critical Area or buffers
- Non-Native Species Coverage

Analysis Parameters



Stream Restoration

- Length of Stream on Property
- Proximity to Fish Passage Barrier
- Downstream Fish Passage Barriers
- Potential Stream Habitat Improvement



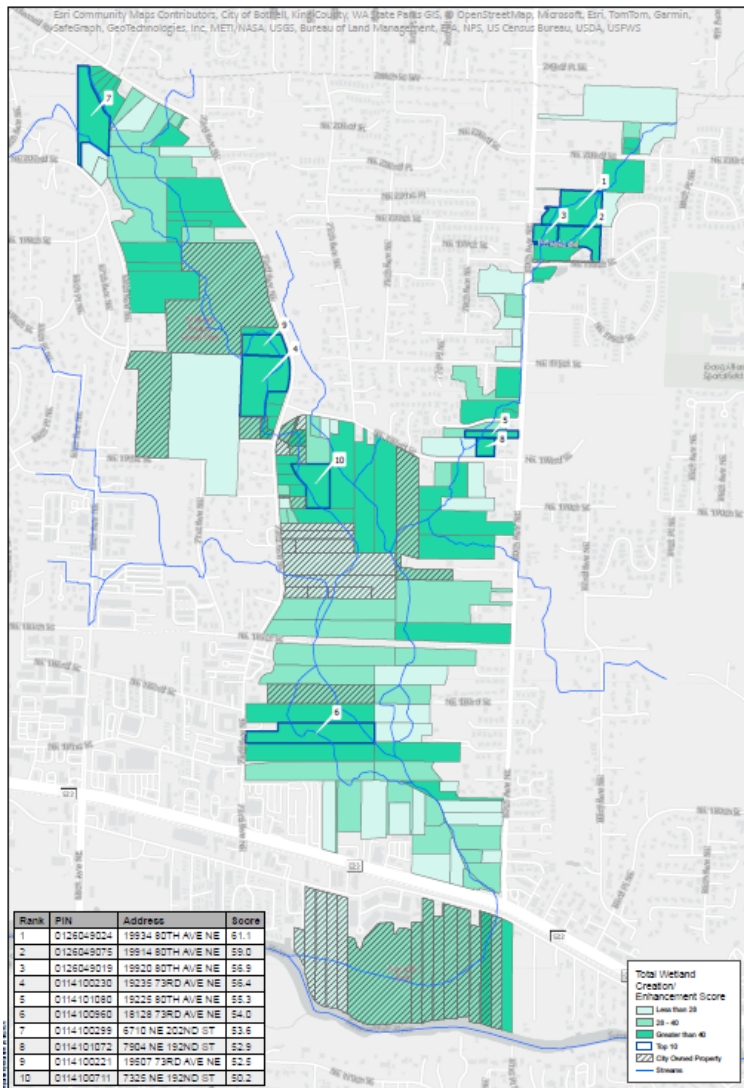
Analysis Parameters – Scoring & Weight

Scoring Category	Scoring Parameters	Parameter Weight	Total Score
Property Development	Existing Development in Critical Area and Buffer	20	50
	Potential for Development in Critical Area and Buffer	20	
	Flooding	10	
Wetland Creation, Wetland Enhancement or Flood Storage Volume Creation	Potential Wetland Creation Area	10	50
	Proximity to Adjacent Critical Areas and Buffers	10	
	Potential Wetland Category	20	
	Existing Soil Conditions	5	
	Potential Off-Channel Endangered Species Rearing Habitat	5	
Wetland Protection	Existing Wetland Area	15	50
	Proximity to Adjacent Critical Areas and Buffers	10	
	Existing Wetland Category	20	
	Existing Off-Channel Endangered Species Rearing Habitat	5	
Riparian Planting and Invasive Species Management	Existing Critical Area	25	50
	Proximity to Adjacent Critical Areas and Buffers	15	
	Non-Native Species Cover Percentage	10	
Stream Restoration	Length of Stream on Property	20	50
	Proximity to Fish Passage Barrier	15	
	Downstream Fish Passage Barriers	10	
	Potential Stream Habitat Improvement	15	

Summary & Breakdown

- 50 Points Each Category
- Weighted Parameters Within Category
- Adjustable
- Can Summarize Results Per Category or Total Average

Results – Wetland Creation

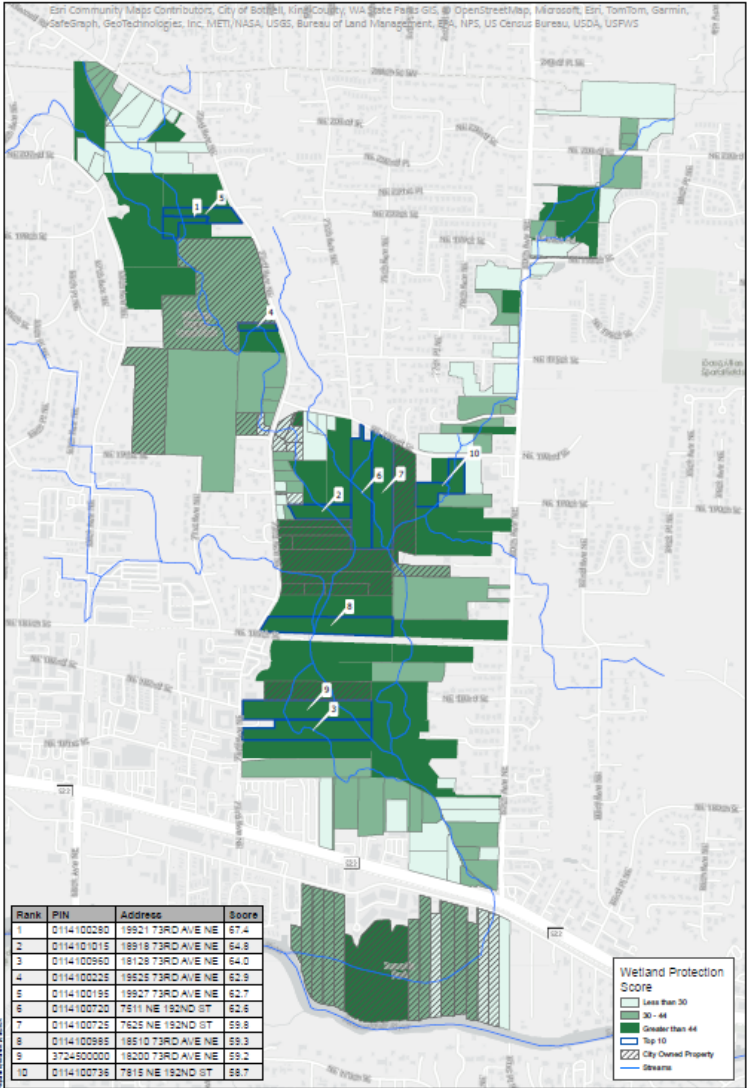


Property Development Score and Includes:

Wetland Creation, Enhancement or Flood Storage Creation Score:

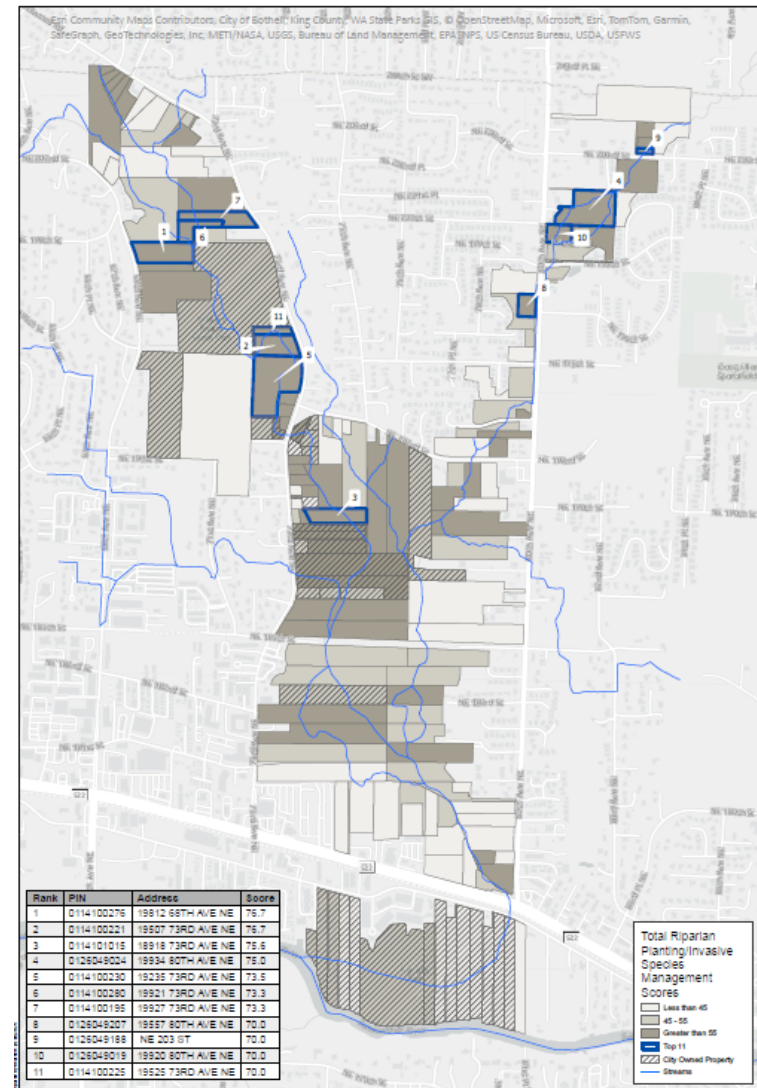
- Soils
- Adjacent Critical Area or buffers
- Wetland Category
- Potential Rearing Habitat

Results – Wetland Protection



- ## Property Development Score and Includes:
- ### Wetland Protection Score:
- Existing Wetland Area
 - Existing Adjacent Critical Area or buffers
 - Existing Wetland Category
 - Existing Rearing Habitat

Results – Riparian Plant Management

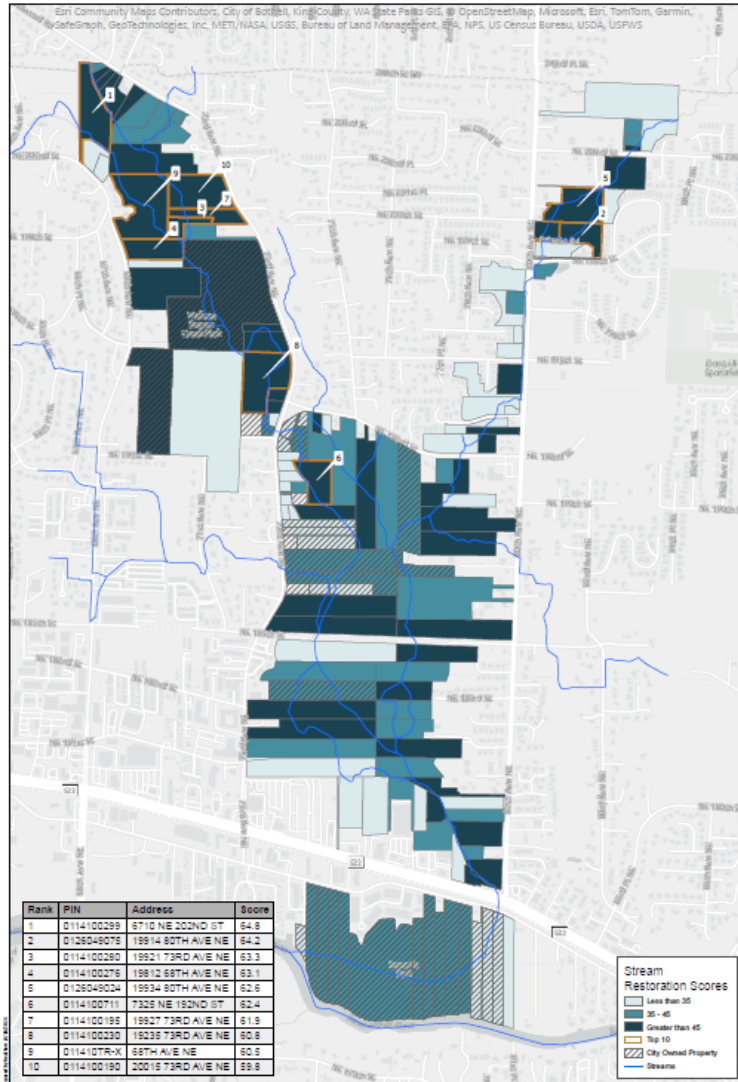


Property Development Score and Includes:

Riparian Plant Management Score:

- Existing Critical Area
- Adjacent Critical Area or buffers
- Non-Native Species Coverage

Results – Stream Restoration

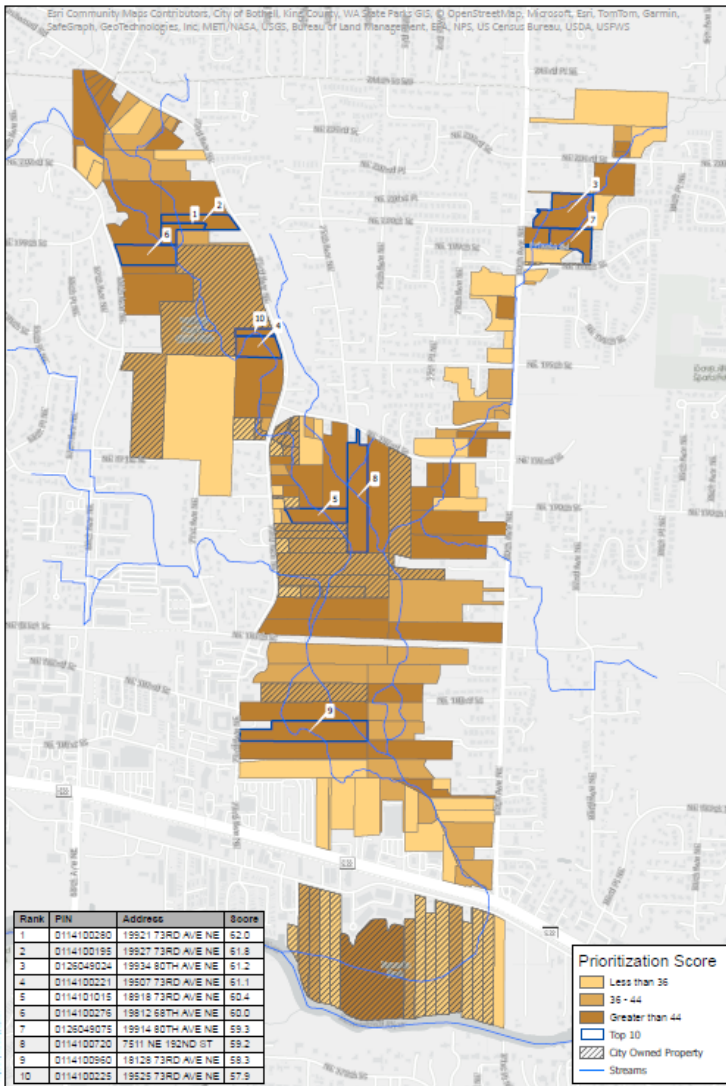


Property Development Score and Includes:

Stream Restoration Score:

- Length of Stream on Property
- Proximity to Fish Passage Barrier
- Downstream Fish Passage Barriers
- Potential Stream Habitat Improvement

Results – Total Average



Total Average Scores

- Average of the previous slides combined
- Scores ranged from 5 to 76.7
- Top 10 ranged from 70 to 76.7

Conclusion

Whats Next

- Finding and prioritizing opportunities
- Applying tool to other watersheds throughout the city
- Informing decisions related to zoning, critical area regulations, and environmental planning

Thank you!

Kenmore Environmental Services Staff
Osborn Consulting, Inc





City Council Agenda Bill City of Kenmore, WA

Subject/Topic: Climate Emergency Declaration Proposed Council Action/Motion: Motion to approve Resolution No. 24-419, declaring the existence of a climate emergency and reaffirming the City's commitment to its climate action plan.	For Council Meeting Agenda of: 09/16/2024 Department: Environmental Services Prepared by: Nina Rasmussen, Climate Action Plan Program Manager <table><tr><td>Approved by Department Head:</td><td><u>Initial & Date</u> RS 9/4/2024</td></tr><tr><td>Approved by City Attorney:</td><td>DFR 9/3/2024</td></tr><tr><td>Approved by Finance Director:</td><td>N/A</td></tr><tr><td>Approved by City Manager:</td><td>RK 9/4/2024</td></tr></table> Attachments/Exhibits: Resolution No. 24-419 Climate Emergency Declaration	Approved by Department Head:	<u>Initial & Date</u> RS 9/4/2024	Approved by City Attorney:	DFR 9/3/2024	Approved by Finance Director:	N/A	Approved by City Manager:	RK 9/4/2024
Approved by Department Head:	<u>Initial & Date</u> RS 9/4/2024								
Approved by City Attorney:	DFR 9/3/2024								
Approved by Finance Director:	N/A								
Approved by City Manager:	RK 9/4/2024								
Summary: During the April 2024 City Council retreat, the Kenmore City Council designated climate action to be the City's top priority for the coming biennium. This resolution serves to confirm and reiterate the City's continual commitment to its climate action plan and underscore the urgency of action.									
Information/Background: Climate action has been a priority of the Kenmore community and the region for many years. The Puget Sound area already experiences impacts of a changing climate, such as increasing wildfires and flooding. The City of Kenmore aims to bolster community resilience to ensure the safety and wellbeing of residents and the livability of Kenmore for generations to come. The City also aims to do its part in mitigating climate impacts through direct action for the benefit of all residents. The City of Kenmore has shown its commitment through the creation of the Climate Action Plan, hiring of staff to implement programs, the creation of a Climate Action Advisory Committee, and continually seeking external funding and partnerships. In 2025 and beyond, staff will implement council direction and utilize budgeted funds and external resources to meet established climate goals of 50% emissions reduction by 2030, 75% reduction by 2040, and net zero emissions by 2050.									

Fiscal Consideration:

N/A

City Council Priority or Budget Objective Being Addressed:

2. Implement the adopted Climate Action Plan and promote environmental stewardship, including air, forest, and habitat restoration and preservation.

**CITY OF KENMORE
WASHINGTON
RESOLUTION NO. 24- 419**

**A RESOLUTION OF THE CITY COUNCIL OF KENMORE,
WASHINGTON, HEREBY DECLARING THE EXISTENCE OF A
CLIMATE EMERGENCY AND REAFFIRMING THE CITY'S
COMMITMENT TO ITS CLIMATE ACTION PLAN.**

WHEREAS, the City of Kenmore recognizes that climate change poses a critical and urgent threat to the health, safety, and well-being of our residents, as well as to the local and global environment; and

WHEREAS, Kenmore is situated in the Puget Sound region, an area already experiencing the impacts of climate change, including increased frequency of wildfires, flooding, and other extreme weather events; and

WHEREAS, the City of Kenmore acknowledges its responsibility to take bold action to address climate change and to mitigate its effects on our community and the planet; and

WHEREAS, the City of Kenmore is committed to aligning its climate goals with the targets set by King County and the State of Washington, aiming for a just transition to a low-carbon economy that benefits all residents, especially those most vulnerable; and

WHEREAS, on May 16, 2022, the Kenmore City Council adopted the Climate Action Plan, to identify actions to reduce greenhouse gas emissions and bolster community resilience; and

WHEREAS, the City of Kenmore has already taken steps to promote sustainability, reduce greenhouse gas emissions, and increase community resilience through promotion of home electrification and renewable energy, protection of local waterways, broad community engagement and education, and incorporating equity into climate planning, among other means.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1.

1. The City of Kenmore hereby declares a climate emergency, recognizing the need for urgent and sustained action at all levels of government to address the climate crisis.
2. The City of Kenmore endeavors to achieve carbon neutrality by 2050, with milestone targets of reducing greenhouse gas emissions by 50% by 2030 and 75% by 2040.
3. The City Council directs the City Manager and relevant departments to
 - a. Continue to implement the Climate Action Plan
 - b. Prioritize bringing forward actions that reduce emissions from public transportation and buildings, which are the primary sources of greenhouse gas emissions in Kenmore
 - c. Collaborate with King County, neighboring cities, local businesses, and community organizations to leverage resources and share best practices in climate mitigation and adaptation
 - d. Engage the Kenmore community in climate action efforts through education, outreach, and opportunities for public participation, ensuring that the voices of all residents, especially marginalized communities, are heard and considered
 - e. Bring forward options that incorporate climate resilience and sustainability for city planning and development processes, with a focus on protecting natural resources, enhancing green infrastructure, and promoting sustainable land use practices
4. The City of Kenmore commits to reviewing the allocation of resources during its budget process for effective implementation of the Climate Action Plan and to pursue external funding opportunities to support climate initiatives.
5. The City of Kenmore will annually review and report on the progress of its climate actions and adjust strategies as necessary to meet the established targets.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON AT A MEETING THEREOF THIS 16th DAY OF SEPTEMBER, 2024.

CITY OF KENMORE

Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

Anastasiya Warhol, City Clerk

APPROVED AS TO FORM:

Dawn Reitan, City Attorney

Climate Emergency Declaration

September 16, 2024



Purpose



City of Kenmore recognizes the critical threat that climate change poses to the health, safety, and well-being of our residents

Declaration acknowledges the responsibility of localized action to minimize impacts

Reiterates the need for urgent, sustained action

GOALS: 50% GHG emission reduction by 2030, 75% by 2040, 95% + net zero by 2050

Current & Future Climate Action



Creation of CAP



Formation of Climate
Action Advisory
Committee



Education & outreach
efforts



Protection of local
waterways



Continually seeking external
funding and partnerships



Support of State climate
legislation

Resolution Content



Continue Climate Action Plan implementation

Prioritize public transportation and buildings emissions reduction efforts

Collaborate with King County, neighboring cities, local businesses, community organizations

Engage community through education, outreach, and public participation
– ensure voices are heard

- Incorporate climate resilience for City planning and development processes

Questions?





City Council Agenda Bill City of Kenmore, WA

Subject/Topic:

Ordinance 24-0619 to update KMC 10.45
AUTOMATED TRAFFIC SAFETY CAMERAS

Proposed Council Action/Motion:

1. Motion to approve the use of traffic safety cameras in the Inglemoor High school zone on Simonds Rd.
2. Move to adopt Ordinance 24-0619 to update Chapter 10.45 of the Kenmore Municipal Code, Automated Traffic Safety Cameras.
3. Move to approve the contract amendment with Vera Mobility for an amount up to \$1.8 Million over five years plus marginal processing fees for Photo Enforcement Services and authorize the City Manager to sign the contract amendment.

For Council Meeting Agenda of: 9/16/2024

Department: Public Works Engineering

Prepared by: Tobin Bennett-Gold, P.E.
City Traffic Engineer

Initial & Date

Approved by Department Head:

JFV

Approved by City Attorney:

9/9/2024

Approved by Finance Director:

N/A

Approved by City Manager:

RK

Attachments/Exhibits:

Attachment A: Proposed Fine Schedule

Attachment B: Ordinance 24-0619

Attachment C: Description of revisions to KMC

Summary:

Staff is recommending that the City Council approve the use of traffic safety cameras in the Inglemoor High school zone on Simonds Rd, adopt Ordinance 24-0619, and authorize the City Manager to execute all necessary contracts with Vera Mobility to incorporate the changes.

On June 24, 2024 Council was presented with recommendations for changes to the KAPE program. Based on these recommendations, Council gave staff direction regarding program and policy changes and new photo enforcement locations:

- Expand photo enforcement to include enforcement of the regulatory speed limit in addition to the school zone speed limit
- Revise the fine schedule to offset increased program costs
- Implement photo enforcement in the Inglemoor High school zone

Fulfilling Council direction requires that Council approve the use of traffic safety cameras in the Inglemoor High school zone, that Council adopt Ordinance 24-0619 to revise KMC 10.45 to be consistent with new state laws and with Council direction, and that Council authorize the City Manager to execute a revised contract with Verra Mobility, the City's photo enforcement contractor, in order to expand the scope of services offered.

Staff will briefly update Council regarding the proposed actions and on concerns and questions that were raised at the June 24 presentation to Council.

Information/Background:

Enforcement of Speed Violations

With regard to automated speed enforcement and as it applies to the City of Kenmore, revision to the RCW in March of 2024 allows for jurisdictional authorities to authorize the use of traffic safety cameras for the enforcement of speed violations; this is in contrast to the previous case which limited authorization to school speed zone violations only. With this change to the KAPE program, existing and future speed enforcement locations will be authorized to enforce the applicable speed limit, which will be the 20 MPH school zone speed limit when the enforcement location is within a school zone and the school zone is active (i.e. school zone flashers are on), and will be the regulatory speed limit when the enforcement location is not within a school zone or when the enforcement location is within a school zone but the school zone is not active. This authorization is regarding the type of violation (speed violations) which may be enforced, and is not related to the implementation of any new locations.

The KAPE program has demonstrated incredible safety value through reductions in the frequency of school zone speed violations and eliciting travel speeds closely aligned with the speed limit when dramatically higher travel speeds were previously the norm. School zones represent a small percentage of Kenmore's annual traffic, and expanding photo enforcement to allow for the enforcement of the regulatory speed limit in addition the school zone speed limit will leverage existing photo enforcement systems as well as future systems to apply this safety benefit across a larger share of road users at times and locations where school zone speed enforcement is not applicable.

The authorization for enforcement of speed violations (in addition to school zone speed violations) is included in the adoption of Ordinance No. 24-0619.

Fine Schedule Changes

The proposed fine schedule is included as Attachment A. The current fine schedule establishes a common baseline fine of \$100 for red light violations and for school zone speeding violations of 26+ MPH, and a fine of \$250 for extreme school zone speeding violations (typically 36+ MPH when the school zone is active).

Fixed costs (camera operation) and variable costs (violation processing) will increase if KAPE expands enforcement to include new types of violations (e.g. speed violations, not limited to school zone speed violations). An increase in the baseline fine to \$110 beginning in 2024 is sufficient to offset these increased program costs.

In the case that the City makes any changes to the existing KAPE program, the City will be required to contribute 25% of net revenue in excess of program costs to the Washington Traffic Safety Commission Cooper Jones Active Transportation Safety Account beginning four years after program

changes go into effect (i.e. beginning in 2029). An increase in the baseline fine to \$135 is sufficient to offset the cost of this contribution.

The proposed fine schedule includes a common baseline fine for speed violations, school zone speed violations, and red-light violations with increases in 2024 and 2029 as described above, as well as an increase based on consumer price index every five years thereafter, and includes no changes to the excessive school zone speeding fine of \$250.

Revenue from the KAPE program supports traffic safety improvements throughout the City, and continued investment in safety improvement mitigates the need for long term or widespread reliance on photo enforcement for speed management. Increased program costs erode the City's ability to invest in traffic safety improvements, and reduce the City's ability to implement engineering-based speed management interventions. The changes reflected in the revised fine schedule maintain parity with current spending power of photo enforcement remittance and allow the KAPE program to support safety city-wide based on not only enforcement but engineering interventions as well.

Revision of the fine schedule is included in the adoption of Ordinance No. 24-0619.

Implement Photo Enforcement in the Inglemoor High School Zone on Simonds Rd

In 2022, the Inglemoor High school zone on Simonds Rd was identified as a high-priority location for school zone photo enforcement because of the high number of school zone speeding violations occurring in the school zone and because of the high degree of traffic exposure for students walking in the school zone. However, because the Inglemoor High school zone had only been implemented recently at that time, the recommendation was to instead wait and see how compliance changed as drivers became accustomed to the school zone. The school zone has now had an opportunity to mature, and driver behavior during active school zone times continues to support this location as a high-priority location to implement photo enforcement of the school zone speed limit. The Inglemoor High school zone currently experiences approximately 1,400 school zone violations per day (88% of school zone traffic), and has a mean speed of 31 MPH when the school zone is active.

Ordinance 24-0619

HB 2384 was signed into law in March 2024, repealing RCW 46.63.170, which formerly authorized the use of photo enforcement by jurisdictional agencies in the state of Washington, and establishing RCW 46.63.220 which provides new provisions and authority for use of photo enforcement. Ordinance 24-0619 contains restrictions and provisions which are required to be adopted by a jurisdictional authority to authorize the use of photo enforcement. Ordinance 24-0619 revises KMC 10.45 Automated Traffic Safety Cameras to be consistent with new state law, and expands the authorized uses of photo enforcement in Kenmore, consistent with the new state law and with Council direction, and revises the fine schedule to offset increased program costs, also per Council direction. Ordinance 24-0619, including revised KMC 10.45, is included as Attachment B. An explanation of the revisions to KMC 10.45 is included as Attachment C.

Amended Contract 21-2766 with Verra Mobility for Traffic Safety Camera Services

In order to provide expanded services consistent with Council direction, the City's contract for photo enforcement services with Verra Mobility must be amended to include 24/7 speed enforcement, enforcement of speed violations (rather than school zone speed violations only), and revised rates of services. Rates of service represent fixed costs for the operation of cameras, and variable costs for processing fees at high-volume locations. The costs of these services, represent \$1.8M over 5 years plus marginal processing fees (2025 through 2029), to replace the previously authorized contract

amount of \$1.2M over 5 years (2023 through 2027). The increased program costs are offset by the proposed fine schedule.

Fiscal Consideration:

The proposed program expansion is consistent with recommendations made by the Financial Sustainability Task Force.

The cost of roadway changes which accompany the implementation of new KAPE locations is within the budget provided by existing KAPE program revenue.

City Council Priority or Budget Objective Being Addressed:

Council priority #3: Enhance multimodal transportation, including pedestrian and bicycle safety.

Council priority #4: Update the Financial Sustainability Plan.

Council priority #5: Implement the Diversity, Equity, Inclusion, and Accessibility (DEIA) Strategic Plan.

Council priority #7: Support public safety and social justice reform.



City of Kenmore, Washington

Memorandum

Date: September 16, 2024

To: City Council

From: Tobin Bennett-Gold, P.E.
City Traffic Engineer

Regarding: Proposed Fine Schedule for Photo Enforcement Violations

The proposed fine schedule for violations detected by photo enforcement is as follows:

The amount of the fine issued for an infraction generated through the use of an automated traffic safety camera may be adjusted for inflation every five years, beginning January 1, 2029, based upon changes in the consumer price index during that time period.

Fine schedule for red-light violations

Beginning in Year	Fine Amount
2024	\$100.00
2025	\$110.00
2029	\$135.00

Fine schedule for speed violations

Beginning in Year	Speed of Violation	Fine Amount
2024	Exceeding the Regulatory Speed Limit 6+ MPH	\$100.00
2025	Exceeding the Regulatory Speed Limit 6+ MPH	\$110.00
2029	Exceeding the Regulatory Speed Limit 6+ MPH	\$135.00

Fine schedule for school zone speed violations

Beginning in Year	Speed of Violation	Fine Amount
2024	Exceeding the School Zone Speed Limit by 6+ MPH	\$100.00
2025	Exceeding the School Zone Speed Limit by 6+ MPH	\$110.00
2029	Exceeding the School Zone Speed Limit by 6+ MPH	\$135.00
2024	Exceeding the Regulatory Speed Limit 6+ MPH	\$250.00
2025	Exceeding the Regulatory Speed Limit 6+ MPH	\$250.00
2029	Exceeding the Regulatory Speed Limit 6+ MPH	\$250.00

This fine schedule is included as a revision to KMC 10.45.080 Penalties in Ordinance No. 24-0619. This revision to the fine schedule is sufficient to offset increased program costs and maintain parity with the City's current per-fine remittance.

CC: Rob Karlinsey
John Vicente

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 24-0619**

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING CHAPTER 10.45 OF THE KENMORE MUNICIPAL CODE TO UPDATE THE CITY'S AUTOMATED TRAFFIC SAFETY CAMERAS ENFORCEMENT PROGRAM AND REGULATIONS RELATING TO THE SAME; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in April of 2014, the City of Kenmore adopted the Target Zero Initiative with the goal of achieving zero pedestrian and bicycle fatalities and serious injuries as a result of collisions with a motorized vehicle by 2025, and efforts to meet the goal include, among other things, enforcement of traffic safety laws; and

WHEREAS, in 2014 the Ad Hoc Committee on Pedestrian and Bicycle Safety recommended the implementation of automated traffic safety cameras enforcement; and

WHEREAS, revenue from automated traffic safety cameras enforcement was included in the 2020 Financial Sustainability Plan adopted by City Council; and

WHEREAS, pursuant to RCW 46.63.170, which authorized the City to establish automated traffic safety cameras for i) stoplight violations; and ii) school speed zone violations, the City prepared an analysis of locations within the City where such automated traffic safety cameras would be located for enforcement of stoplight violations and school speed zone violations; and

WHEREAS, on November 8, 2021, the City Council was presented with and considered the proposed automated traffic safety cameras enforcement program, entitled "Proposed Photo Enforcement Policy and Program Structure"; and

WHEREAS, on December 6, 2021, the City Council was presented with and considered adopting a new Chapter 10.45 of the Kenmore Municipal Code ("KMC"), to establish traffic safety enforcement by way of automated traffic safety cameras; and

WHEREAS, on January 24, 2022, the City Council held a public hearing in order to take public testimony regarding the adoption of proposed Chapter 10.45 KMC; and

WHEREAS, on February 28, 2022, the City Council adopted Chapter 10.45 KMC, and established the City's Kenmore Automated Photo Enforcement Program ("KAPE Program"); and

WHEREAS, in 2024, the Legislature repealed RCW 46.63.170 and adopted RCW 46.63.210 through RCW 46.63.260, which updated state law relating to the City's KAPE Program, and

authorized expansion of said program to enforce hospital speed zones, public park speed zones, school walk zones, and roadway work zones, among other things; and

WHEREAS, on June 24, 2024, the City Council was presented with and considered the proposed expansion and amendment to the KAPE Program, consistent with state law; and

WHEREAS, during its first year of operation, the KAPE Program reduced rates of school zone speeding by over 90% in areas where traffic safety cameras were deployed; and

WHEREAS, the City has prepared an analysis of the locations within the City where the expansion of the KAPE Program is being proposed; and

WHEREAS, the City Council finds it in the interest of public safety, health and welfare to adopt this ordinance, and desires to amend Chapter 10.45 KMC to be consistent with state law;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council adopts the recitals set forth above, incorporated herein by reference, as findings in support of this ordinance.

Section 2. Amendment. The City Council amends Chapter 10.45 of the Kenmore Municipal Code, entitled "Automated Traffic Safety Cameras" as set forth in Attachment A, attached hereto and incorporated herein by reference.

Section 3. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A MEETING THEREOF ON THE ____ DAY OF _____ 2024.

CITY OF KENMORE

Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

Anastasiya Warhol, City Clerk

Approved as to form:

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
ORDINANCE NO.:
DATE OF PUBLICATION:
EFFECTIVE DATE:

ATTACHMENT A TO ORD. 24-0619

1. Amendment. Chapter 10.45 KMC, Automated Traffic Safety Cameras, is hereby amended to read as follows:

Chapter 10.45

AUTOMATED TRAFFIC SAFETY CAMERAS

Sections:

10.45.001	Purpose
10.45.010	Authorized use of automated traffic cameras <u>and restrictions</u>
10.45.015	<u>Signing and public notice</u>
10.45.020	Notice of infraction
10.45.030	Adjudication of infraction – Procedures
10.45.040	Violation - presumption
10.45.050	Infractions processed
10.45.060	Nonexclusive enforcement
10.45.070	Definition of automated traffic safety cameras
10.45.080	Penaltiess
10.45.085	<u>Use of revenue</u>
10.45.090	Authorization for use of electronic signaturess

10.45.001 Purpose.

The City recognizes the value of implementing an automated traffic enforcement program in furtherance of city goals of creating safer environment for its citizens. Consistent with the council's direction and intent in adopting the policy and procedures of the photo enforcement program, the department is hereby authorized to develop public rules and make minor changes to the policies and procedures of the photo enforcement program, in order to better implement photo enforcement and as needed to stay current with changing technology and methods.

10.45.010 Authorized use of automated traffic safety cameras and restrictions.

A. Pursuant to RCW ~~46.63.030(1)(d)~~, ~~46.63.170~~, law enforcement officers of the City of Kenmore, ~~and~~ persons commissioned by the police chief, ~~and City employees from public works or transportation departments performing under the supervision of a qualified traffic engineer (defined collectively as the~~ "City" in this chapter) have the authority to review infractions detected through the use of the

automated traffic safety camera authorized by this chapter and to issue notices of infraction consistent with this Chapter and RCW 46.63.220(9).

B. Pursuant to RCW 46.63.230 and RCW 46.63.250, the City is ~~are~~ authorized to use automated traffic safety cameras and related automated systems to detect one or more of the following:

1. Stoplight violations; and
2. Speed violations, including but not limited to, ~~s~~School speed zone violations.

CB. The use of automated traffic safety cameras is subject to the following ~~restrictions~~:

1. Use of automated traffic safety cameras ~~to detect stoplight violations~~ is restricted to intersections of two or more arterials with traffic control signals that have yellow change interval durations in accordance with RCW 47.36.022, which interval durations may not be reduced after placement of the camera, ~~and school speed zones.~~

2. Use of automated traffic safety cameras to detect speed violations is restricted to use in the following locations as defined in RCW 46.63.210, as may be amended:

(a) Hospital speed zones;

(b) Public park speed zones;

(c) School speed zones;

(d) School walk zones;

(e) Roadway work zones, except that a notice of infraction may only be issued if an automated traffic safety camera captures a speed violation when workers are present; and

(f) State highways within city limits that are classified as city streets under chapter 47.24 RCW; provided that the City notifies the Washington Department of Transportation when it installs said automated traffic safety cameras.

3. In addition to the automated traffic safety cameras that may be authorized for specified zones or roads in subsection (2) of this section, the City of Kenmore is authorized to use ~~of one~~ additional automated traffic safety camera per 10,000 population to detect speed violations in locations deemed by the City Council to experience higher crash risks due to excessive vehicle speeds.

4. The City shall prepare an analysis of the locations where automated traffic safety cameras are proposed to be located before adding traffic safety cameras to a new location or relocating any existing camera to a new location within the jurisdiction. The analysis will include the following:

(a) Equity considerations including the impact of the camera placement on livability, accessibility, economics, education, and environmental health; and

(b) Demonstrated need for traffic cameras based on one or more of the following in the vicinity of the proposed camera location: Travel by vulnerable road users, evidence of vehicles speeding,

rates of collision, reports showing near collisions, and anticipated or actual ineffectiveness or infeasibility of other mitigation measures.

5. Notices of infraction for automated traffic safety camera-detected speed violations may not be issued to the registered vehicle owner of:

(a) A marked fire engine equipped with emergency lights and siren; or

(b) An ambulance licensed by the department of health and equipped with emergency lights and siren.

26. Automated traffic safety cameras may only recordtake imagespictures of the vehicle and vehicle license plate and only while an infraction is occurring. The primary purpose of camera placement is to record images of the vehicle and vehicle license plate while an infraction is occurring. The image must Pictures taken by the automated traffic safety camera may not reveal the face of the driver or of passengers in the vehicle. The City must consider installing automated traffic safety cameras in a manner that minimize the impact of camera flash on drivers.

C. The City shall clearly mark all locations where automated safety cameras are in use by placing signs in locations that clearly indicate to a driver that the driver is entering a zone where traffic laws are enforced by an automated traffic safety camera.

10.45.015 Signing and public notice

A. The City shall clearly mark all locations where automated safety cameras are in use by placing signs in locations that clearly indicate to a driver that the driver is entering an area where traffic laws are enforced by an automated traffic safety camera. The signs shall be readily visible to a driver approaching an automated traffic safety camera and shall clearly indicate to a driver either that: (a) The driver is within an area where automated traffic safety cameras are authorized; or (b) the driver is entering an area where violations are enforced by an automated traffic safety camera. Signs shall follow the specifications and guidelines under the Manual on Uniform Traffic Control Devices.

B. All locations where an automated traffic safety camera is used on roadways or intersections shall be clearly marked by placing signs at least thirty (30) days prior to activation of the camera.

C. Whenever a new automatic traffic safety camera becomes active, for a period of (60) days after the camera initially becomes active, whenever any vehicle is photographed by that camera a warning shall be mailed to the registered owner of the vehicle and no notice of infraction will be issued.

D. Restrictions and policies regarding the City's use of automated traffic safety cameras will be posted on the City's website. An annual report will be posted on the City's website which includes, at minimum:

(a) The number of traffic crashes that occurred at each location where automated traffic safety cameras are active;

(b) The number of notices of infraction issued for each camera;

(c) Percentage of revenues received from fines issued from automated traffic safety camera infractions that were used to pay for the costs of the automated traffic safety camera program; and

(d) The use of revenues that exceeded the costs of operation and administration of the automated safety camera program.

E. Advanced installation of photo enforcement signing, the initial warning period, and information related to the City's automated traffic safety camera program posted on the City's website will constitute the minimum public notice for automated traffic safety camera locations, though additional forms of public notice may also be given.

10.45.020 Notice of infraction.

A. Whenever any vehicle is photographed by an automatic traffic safety camera, a notice of infraction shall be mailed to the registered owner of the vehicle within 14 days of the violation, or to the renter of the vehicle within 14 days of establishing the renter's name and address under subsection (B) of this section.

B. If the registered owner of the vehicle is a rental car business, the ~~law enforcement agency~~ City shall, before a notice of infraction is issued, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within 18 days of receiving the written notice, provide to the issuing agency by return mail:

1. A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or
2. A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or
3. In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty. Timely mailing of this statement to the ~~issuing law enforcement agency~~ City relieves a rental car business of any liability under this chapter for the notice of infraction.

C. The ~~law enforcement officer issuing the~~ notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter.

D. All photographs, microphotographs, or electronic images, or any other personally identifying data prepared under this chapter are for the exclusive use of law enforcement in the discharge of duties under this chapter and, as provided in RCW ~~46.63.220(1)~~ 46.63.170(1)(g), are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this chapter. No photograph, microphotograph, or electronic image, or any other

personally identifying data may be used for any purpose other than enforcement of violations under this chapter nor retained longer than necessary to enforce this chapter.

10.45.030 Adjudication of infraction – Procedures.

A. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail or request a hearing. The King County District Court shall adjudicate all requests for a hearing to mitigate or contest the notice of infraction.

B. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction.

10.45.040 Violation - presumption.

A. Pursuant to RCW 46.63.075, in a traffic infraction case involving an infraction detected through the use of an automated traffic safety camera under this chapter and/or RCW 46.63.220 through 46.63.260~~46.63.170~~, proof that the particular vehicle described in the notice of traffic infraction was in violation of this chapter and/or RCW 46.63.220 through 46.63.260~~46.63.170~~, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, constitutes in evidence a prima facie presumption that the registered owner of the vehicle was the person in control of the vehicle at the point where, and for the time during which, the violation occurred.

B. This presumption may be overcome only if the registered owner states, under oath, in a written statement to the court or in testimony before the court that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner.

10.45.050 Infractions processed.

Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this chapter shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(2) .

10.45.060 Nonexclusive enforcement.

Nothing in this chapter prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1)(a), (b), or (c).

10.45.070 Definition of automated traffic safety camera.

For the purposes of this ordinance, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the front or rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal, or exceeds a speed limit ~~in a school zone~~ as detected by a speed measuring device.

10.45.080 Penalties.

The amount of the fine issued for an infraction generated through the use of an automated traffic safety camera may be adjusted for inflation every five years, beginning January 1, 2029, based upon changes in the consumer price index during that time period.

A. The penalty for ~~stopped~~-light infractions committed pursuant to the provisions of this chapter shall be ~~\$100.00~~ as follows:

<u>Beginning in Year</u>	<u>Fine Amount</u>
<u>2024</u>	<u>\$100.00</u>
<u>2025</u>	<u>\$110.00</u>
<u>2029</u>	<u>\$135.00</u>

B. The penalty for speed infractions committed pursuant to the provisions of this chapter shall be as follows:

<u>Beginning in Year</u>	<u>Speed of Violation</u>	<u>Fine Amount</u>
<u>2024</u>	<u>Exceeding the Regulatory Speed Limit 6+ MPH</u>	<u>\$100.00</u>
<u>2025</u>	<u>Exceeding the Regulatory Speed Limit 6+ MPH</u>	<u>\$110.00</u>
<u>2029</u>	<u>Exceeding the Regulatory Speed Limit 6+ MPH</u>	<u>\$135.00</u>

BC. The penalty for school speed zone infractions committed pursuant to the provisions of this chapter shall be as follows:

<u>Beginning in Year</u>	<u>Speed of Violation</u>	<u>Fine Amount</u>
<u>2024</u>	<u>Exceeding the School Zone Speed Limit by 6+ MPH</u>	<u>\$100.00</u>
<u>2025</u>	<u>Exceeding the School Zone Speed Limit by 6+ MPH</u>	<u>\$110.00</u>
<u>2029</u>	<u>Exceeding the School Zone Speed Limit by 6+ MPH</u>	<u>\$135.00</u>
<u>2024</u>	<u>Exceeding the Regulatory Speed Limit 6+ MPH</u>	<u>\$250.00</u>
<u>2025</u>	<u>Exceeding the Regulatory Speed Limit 6+ MPH</u>	<u>\$250.00</u>
<u>2029</u>	<u>Exceeding the Regulatory Speed Limit 6+ MPH</u>	<u>\$250.00</u>

CD. Fees and penalties for failure to respond shall follow the standard court schedule for infractions.

E. Pursuant to RCW 46.63.220(15), and except as provided in this subsection, registered owners of vehicles who receive notices of infraction for automated traffic safety camera-enforced infractions and are recipients of public assistance under Title 74 RCW or participants in the Washington women, infants, and children program, and who request reduced penalties for infractions detected through the use of automated traffic safety camera violations, must be granted reduced penalty amounts of 50 percent of what would otherwise be assessed for a first automated traffic safety camera violation and for subsequent automated traffic safety camera violations issued within 21 days of issuance of the first automated traffic safety camera violation. Eligibility for medicaid under RCW 74.09.510 is not a qualifying criterion under this subsection. Registered owners of vehicles who receive notices of

infraction must be provided with information on their eligibility and the opportunity to apply for a reduction in penalty amounts through the mail or internet.

10.45.085 Use of Revenue.

A. The compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

B. The City may only use revenue generated by an automated traffic safety camera program in a manner consistent with state law.

10.45.090 Authorization for use of electronic signatures.

In connection with the traffic safety camera program, the police chief, or his or her designee, is authorized to utilize electronic signatures in accordance with the provisions of Kenmore Resolution No. 20-351, and the Uniform Electronic Transactions Act.



City of Kenmore, Washington

Memorandum

Date: September 16, 2024

To: City Council

From: Tobin Bennett-Gold, P.E.
City Traffic Engineer

Regarding: Description of Ordinance No. 24-0619 Revisions to KMC 10.45

On June 24, 2024, staff presented to Council a proposal to expand the Kenmore Automated Photo Enforcement (KAPE) program to new locations and new program practices consistent with new state laws regarding photo enforcement. Additionally, based on new state law, adoption of an ordinance revising the Kenmore Municipal Code is required for the authorization of continued use of photo enforcement.

The following is a description of changes to KMC 10.45 included in Ordinance No. 24-0619, listed in the order in which changes appear in the ordinance itself:

**10.45.010 Authorized use of automated traffic safety cameras and restrictions.
(Revised section)**

10.45.010(A) is revised to include new authority for the review of possible violations detected by the photo enforcement system. Previously, review was restricted to law enforcement officers only, new state law expands that authority to civilian police staff commissioned by the Chief of Police, and City staff under the supervision of a traffic engineer. At this time, all review for the KAPE program is done by police officers and there are no plans to make changes to our review process. In the future, if review only by police officers is no longer feasible, other staffing resources could be considered for use in KAPE review. This revision is required to be in the ordinance by RCW 46.63.220.

10.45.010(B) is revised to include enforcement of speed violations other than school zone speed violations. This revision is required to support KAPE program expansion per Council direction.

10.45.010(C) is revised to include restrictions on the ways photo enforcement can be used in Kenmore, including restrictions on areas where automated speed enforcement may be used, restrictions on the number of cameras which may be used outside of

specific types of areas, and the types of analysis that must be completed before new traffic safety camera locations may be implemented. The new requirements for site analysis include equity considerations in addition to demonstration of need for safety improvement. The KAPE program is also restricted from issuing notices of infraction to fire engines and ambulances with active lights. This revision is required to be in the ordinance by RCW 46.63.220.

10.45.015 Signing and public notice. (New section)

10.45.015(A) states signing requirements; these requirements have always been required by state law but now are required to be stated in the ordinance. This revision is required to be in the ordinance by RCW 46.63.220.

10.45.015(B) requires that photo enforcement signing be in place 30 days before cameras become active. This has always been required by state law but now is required to be stated in the ordinance. This revision is required to be in the ordinance by RCW 46.63.220.

10.45.015(C) states that new KAPE locations will have a 60 day warning period. State law does not require a warning period of any length. Regional precedent is to allow for a 30 day warning period, and KAPE program policy has always been to allow for a 60 day warning period. This reflects existing program policy and is not required to be in the ordinance but supports 10.45.015(E) (see below).

10.45.015(D) states the reporting requirements for photo enforcement. Reporting has always been required by state law, but the reporting is now required to be included in the ordinance. State law has always required reporting of the number of crashes and number of notices of infraction issued, but new state law expands this requirement to include reporting the percentage of revenue used to pay operating costs, and reporting on the use of revenue which exceeds operating costs. This revision is required to be in the ordinance by RCW 46.63.220.

10.45.015(E) states minimum requirements for public notice. KAPE program policy is that minimum public notice consists of the initial warning period and information posted to the City's website (though in practice other methods of public notice are used as well). State law requires that minimum public notice be included in the ordinance, but what constitutes minimum public notice is at the discretion of the City. This revision is required to be in the ordinance by RCW 46.63.220, but the specifics are at the discretion of the City.

10.45.080 Penalties. (Revised section)

10.45.080(A) – 10.45.080(C) is revised to allow fines for photo enforcement of speed violations other than school zone speed violations, and adjusts fine schedule to account for increased program costs, including increase from \$100 current fine amount to \$110 in 2024, and to \$135 in 2029, with adjustment for inflation based on

CPI every five years thereafter. This revision required to be in the ordinance to support Council direction and the Financial Sustainability Plan.

10.45.080(D) is revised to include a provision for 50% reduction in fine amount for first time offenders who are recipients of public assistance. This revision is required to be in the ordinance by RCW 46.63.220.

10.45.085 Use of Revenue. (New section)

10.45.085(A) states that fees paid to a photo enforcement contractor may not be based on the value of the fine and may only be based on the value of equipment and services supporting the photo enforcement system. This has always been state law and is now required to be in the ordinance. This revision is required to be in the ordinance by RCW 46.63.220.

10.45.85(B) requires that revenue be spent in a manner consistent with state law (i.e. revenue may only be spent on program costs and activities supporting traffic safety projects and programs). This revision is required to be in the ordinance by RCW 46.63.220.

Other minor revisions have been included to clarify language, or to revise language to be consistent with the revisions enumerated above, but all revisions not explicitly described in this memorandum are insubstantial in nature.

Adoption of Ordinance No. 24-0619 is required for the continued operation of the KAPE program, for fulfillment of council direction to expand the KAPE program to new locations, and in order to include enforcement of speed violations other than school zone speed violations in the KAPE program. The revised KMC 10.45 is consistent with the foundational values of the KAPE program: our program is Safe, Fair, Equitable, and Transparent.

CC: Rob Karlinsey
John Vicente

Kenmore Automated Photo Enforcement

Questions Follow-Up, Program Changes, Ordinance & Contract

Tobin Bennett-Gold, P.E.
City Traffic Engineer



September 16,
2024



Page 153 of 181

Follow-Up

Speed
Violations

Fine
Schedule

IHS School
Zone

KMC 10.45
Update

Contract
Amendment

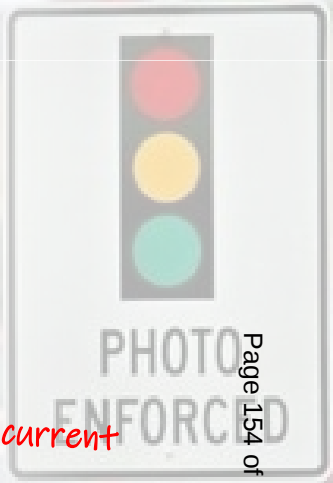
June Council Direction

June 24 Council Meeting KAPE Discussion:

- Update on the performance of the KAPE program in its first year of operation
- Review of changes to state law which impact KAPE
- Recommendations for changes to the KAPE program
- Recommendations for new KAPE locations

Council Direction

- Expand scope of speed enforcement to include all speed violations (in addition to school zone speed violations) *Consistent enforcement practices across all locations*
- Revise the fine schedule to offset increasing program expenses *Continuous enforcement - cameras are always active*
- Implement KAPE at the Inglemoor High school zone *Maintain parity with current per-fine remittance*
- Allow 6 months for drivers to adjust to new speed limit on Simonds Rd*



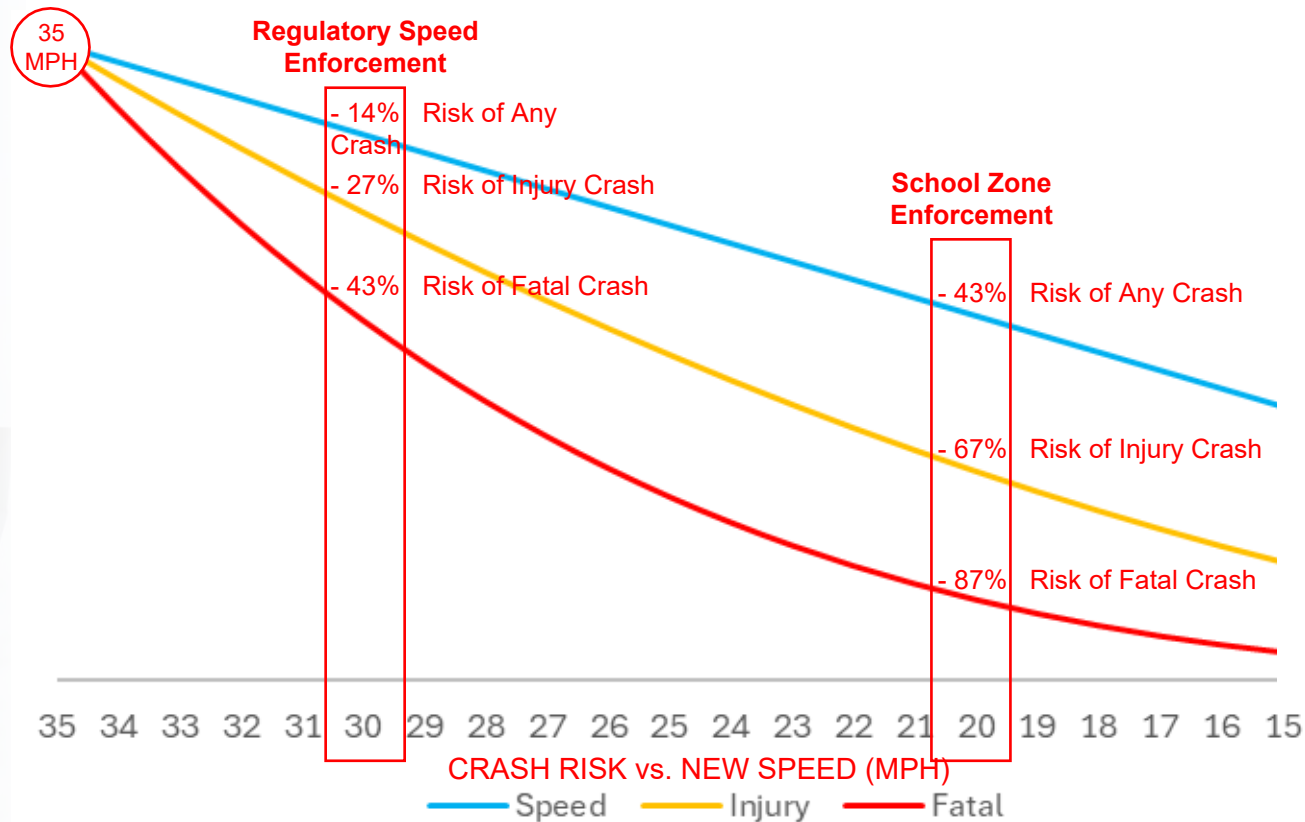
	Follow-Up	Speed Violations	Fine Schedule	IHS School Zone	KMC 10.45 Update	Contract Amendment	
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Why is Speed Reduction Important?

$$\frac{\text{New Crash Rate}}{\text{Old Crash Rate}} = \frac{\text{New Speed}}{\text{Old Speed}}$$

$$\frac{\text{New Injury Crash Rate}}{\text{Old Injury Crash Rate}} = \left(\frac{\text{New Speed}}{\text{Old Speed}} \right)^2$$

$$\frac{\text{New Fatal Crash Rate}}{\text{Old Fatal Crash Rate}} = \left(\frac{\text{New Speed}}{\text{Old Speed}} \right)^4$$



KAPE Benefits:

- Crash risk reduced
- Fatal crash risk reduced tremendously
- Increased comfort and safety for shared multimodal environment
- Revenue supports safety improvements citywide

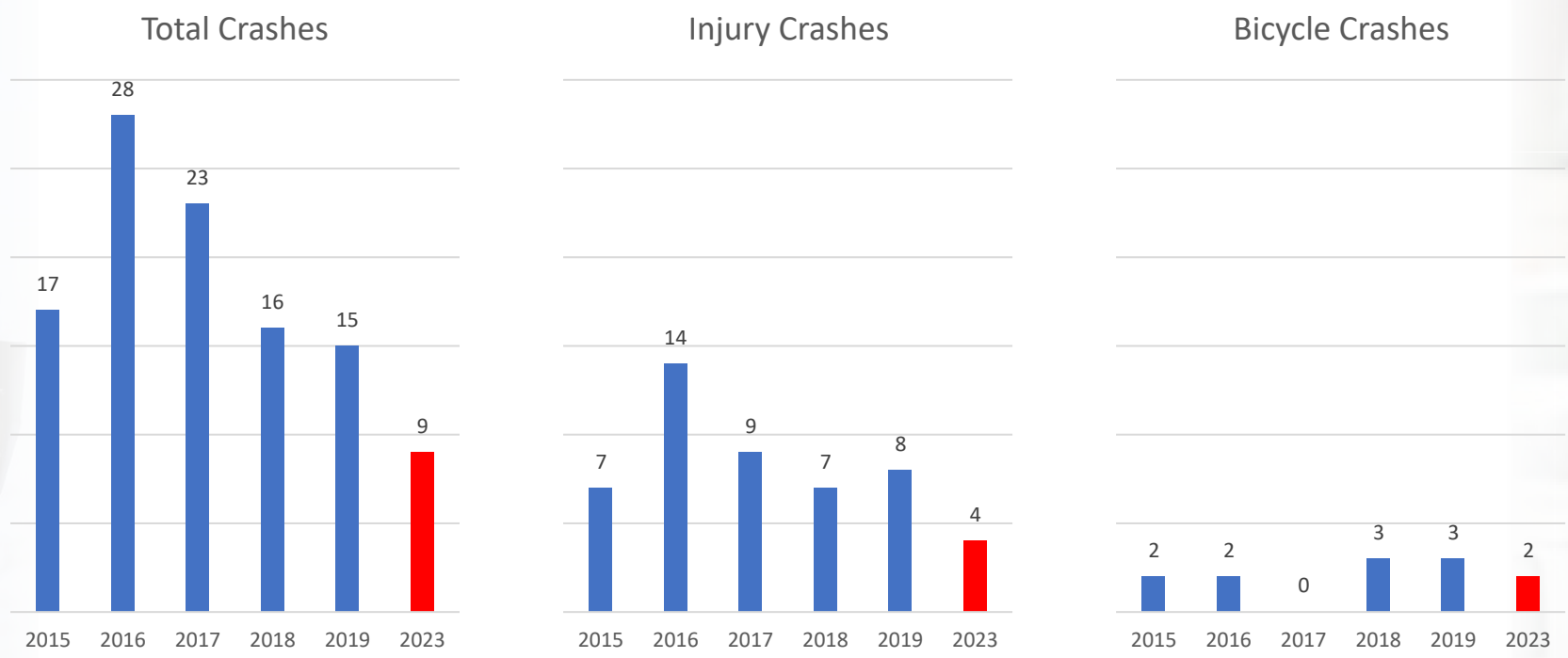


Safety that funds safety

June Council Questions

Question: Has crash frequency on Juanita Dr reduced since the Walkways and Waterways projects were completed?

Juanita Dr Crashes 2015 – 2019 & 2023
Preliminary analysis – longer comparison period needed.



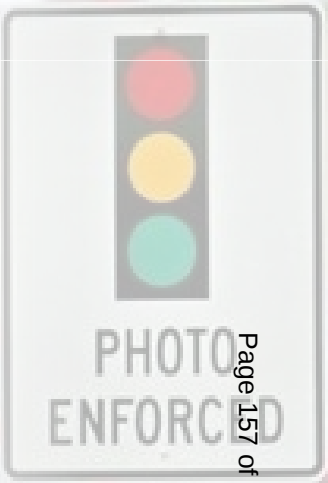
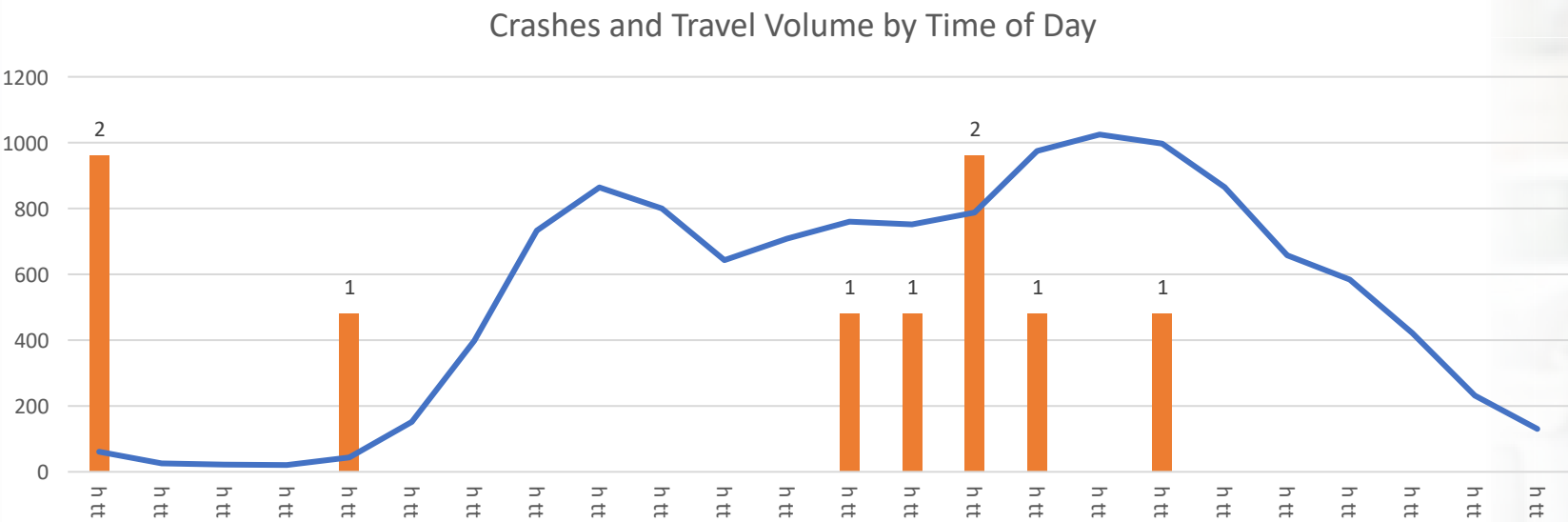
No pedestrian crashes and no fatal crashes in this period.

June Council Questions

Question: What time of day are crashes happening?

Juanita Dr Crashes 2023

Preliminary analysis – longer comparison period needed.



Follow-Up	Speed Violations	Fine Schedule	IHS School Zone	KMC 10.45 Update	Contract Amendment
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June Council Questions

Question: Are drivers likely to move to side streets to avoid photo enforcement?

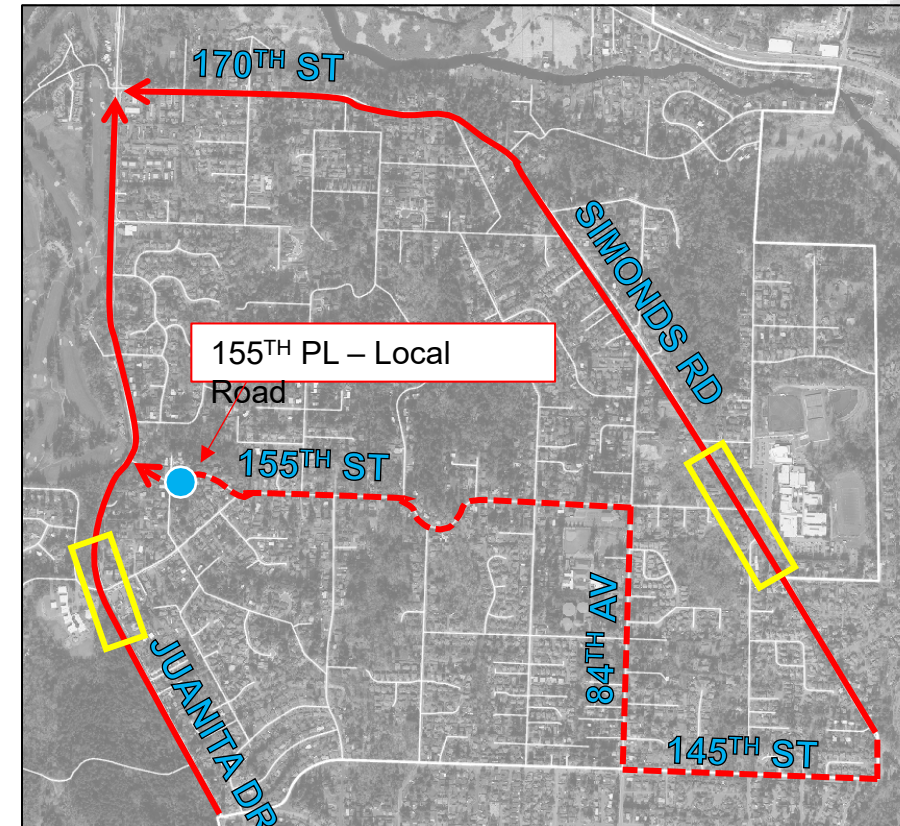
Northbound Simonds Rd

➔ 84th Av to 155th St

- Unsignalized left-turn
- Stop control intersections
- 30% increased travel distance

Northbound Juanita Dr

There are no desirable routes to bypass KAPE on Juanita Dr using Local Roads



Standard Route

Cut-Through Route

Standard Speed & Volume Study Location



June Council Questions

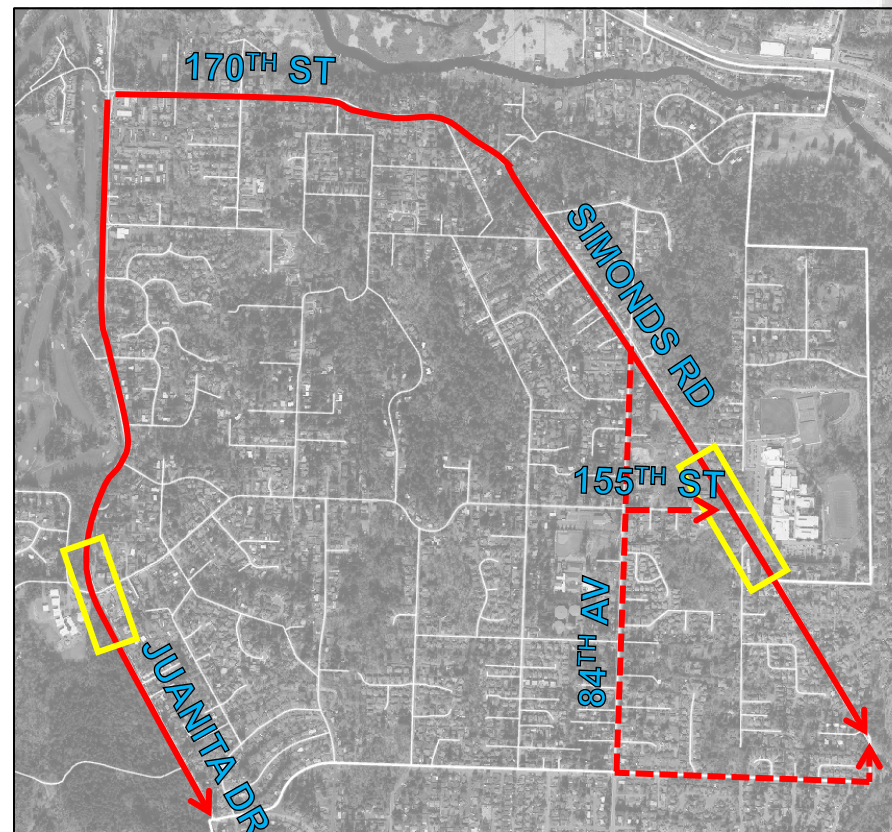
Question: Are drivers likely to move to side streets to avoid photo enforcement?

Southbound Simonds Rd

There are no desirable routes to bypass KAPE on Juanita Dr using Local Roads

Southbound Juanita Dr

There are no desirable routes to bypass KAPE on Juanita Dr using Local Roads



Standard Route

Cut-Through Route

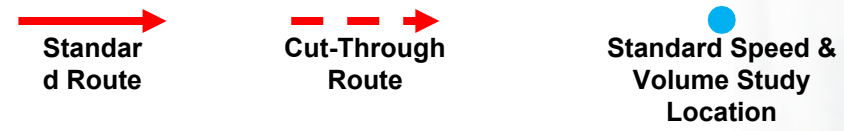
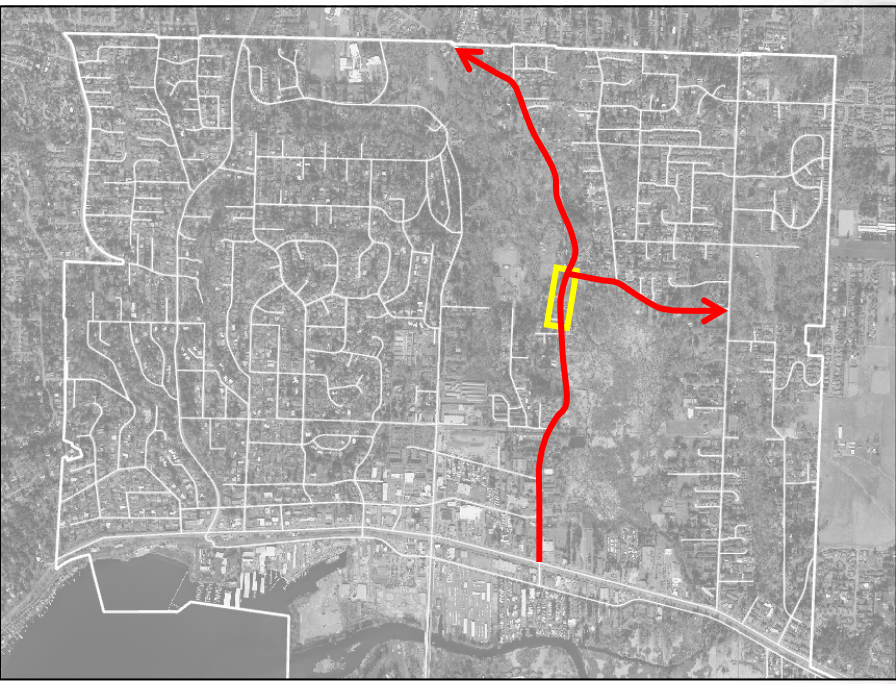
Standard Speed & Volume Study Location



June Council Questions

Question: Are drivers likely to move to side streets to avoid photo enforcement?

Northbound 73rd Av
Numerous alternative routes exist on arterial and collector streets



	Follow-Up	Speed Violations	Fine Schedule	IHS School Zone	KMC 10.45 Update	Contract Amendment	
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June Council Questions

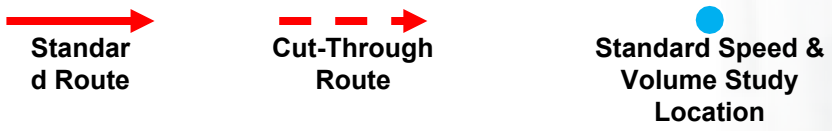
Question: Are drivers likely to move to side streets to avoid photo enforcement?

Northbound 73rd Av

There are no desirable routes to bypass KAPE on Juanita Dr using Local Roads

Southbound 73rd Av

There are no desirable routes to bypass KAPE on Juanita Dr using Local Roads



	Follow-Up	Speed Violations	Fine Schedule	IHS School Zone	KMC 10.45 Update	Contract Amendment	
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~~School Zone Speed~~ Violations



Speed (Including School Zone Speed Violations)

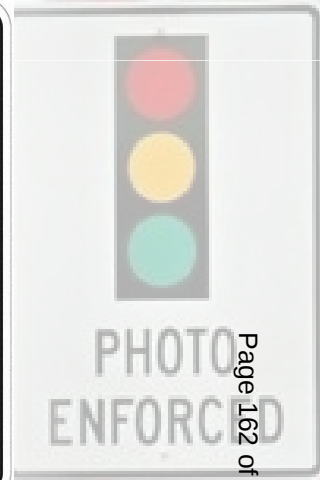
Council Direction:

- Expand the use of photo enforcement to include enforcement of the regulatory speed limit in addition to the school zone speed limit
- Apply this scope of enforcement consistently across all school zones

Enforcement of **20 MPH** School Zone
Speed Limit **When School Zone is
Active**



Enforcement of **30 MPH** Regulatory
Speed Limit at **All Other Times**



Revised Fine Schedule

Council Discussion

- Revise fine schedule to offset increasing program costs
- 2024 year corresponds to current fine schedule

Red Light

Violations	
Beginning in Year	Fine Amount
2024	\$100.00
2025	\$110.00
2029	\$135.00

Regulatory Speed

Violations		
Beginning in Year	Speed of Violation	Fine Amount
2024	Exceeding the Regulatory Speed Limit 6+ MPH	\$100.00
2025	Exceeding the Regulatory Speed Limit 6+ MPH	\$110.00
2029	Exceeding the Regulatory Speed Limit 6+ MPH	\$135.00

School Zone Speed

Violations		
Beginning in Year	Speed of Violation	Fine Amount
2024	Exceeding the School Zone Speed Limit by 6+ MPH	\$100.00
2025	Exceeding the School Zone Speed Limit by 6+ MPH	\$110.00
2029	Exceeding the School Zone Speed Limit by 6+ MPH	\$135.00
2024	Exceeding the Regulatory Speed Limit 6+ MPH	\$250.00
2025	Exceeding the Regulatory Speed Limit 6+ MPH	\$250.00
2029	Exceeding the Regulatory Speed Limit 6+ MPH	\$250.00

Follow-Up

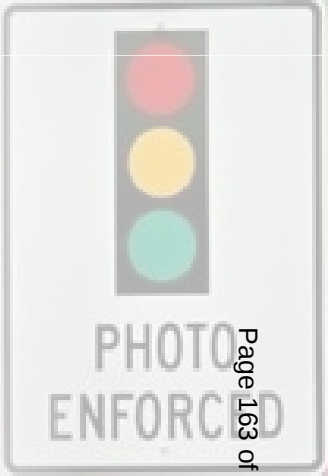
Speed
Violations

Fine
Schedule

1115 School
Zone

KMC 10.45
Update

Contract
Amendment



Revised Fine Schedule

- Council Discussion
- Revise fine schedule to offset increasing program costs

- 2024 year corresponds to current fine schedule
- Fine for extreme speeding does not increase

Red Light

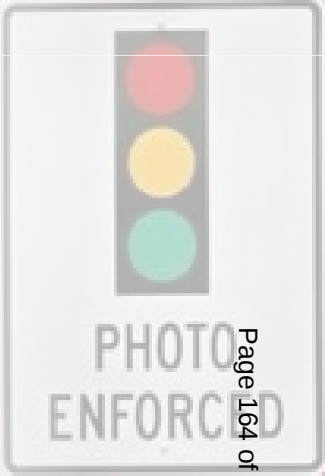
Violations	Beginning of Year	Fine Amount
	2024	\$100.00
	2025	\$110.00
	2029	\$135.00

Regulatory Speed

Violations	Beginning of Year	Speed of Violation	Fine Amount
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Revised Fine Schedule

Council Discussion

- Revise fine schedule to offset increasing program costs
- 2024 year corresponds to current fine schedule
- Fine for extreme speeding does not increase
- 2025 fine offsets increased operating costs

Red Light

Violations	Beginning of Year	Fine Amount
	2024	\$100.00
	2025	\$110.00
	2029	\$135.00



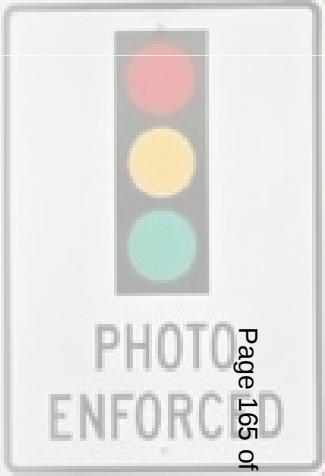
Regulatory Speed

Violations	Beginning of Year	Speed of Violation	Fine Amount
	2024	Exceeding the Regulatory Speed Limit 6+ MPH	\$100.00
	2025	Exceeding the Regulatory Speed Limit 6+ MPH	\$110.00
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School Zone Speed

Violations	Beginning of Year	Speed of Violation	Fine Amount
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Revised Fine Schedule

Council Discussion

- Revise fine schedule to offset increasing program costs
- 2024 year corresponds to current fine schedule
- Fine for extreme speeding does not increase
- 2025 fine offsets increased operating costs
- 2029 fine offsets WTSC contribution

Red Light

Violations Beginning in Year	Fine Amount
2024	\$100.00
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2029	\$135.00



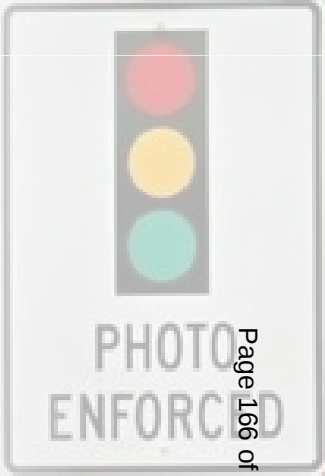
Regulatory Speed

Violations Beginning in Year	Speed of Violation	Fine Amount
2024	Exceeding the Regulatory Speed Limit 6+ MPH	\$100.00
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School Zone Speed

Violations Beginning in Year	Speed of Violation	Fine Amount
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2025	Exceeding the Regulatory Speed Limit 6+ MPH	\$250.00
2029	Exceeding the Regulatory Speed Limit 6+ MPH	\$250.00



Revised Fine Schedule

Council Direction:

- Revise fine schedule to offset increasing program costs
- 2024 year corresponds to current fine schedule
- Fine for extreme speeding does not increase
- 2025 fine offsets increased operating costs
- 2029 fine offsets WTSC contribution
- Fine indexed to CPI every 5 years after 2029

Red Light Violations

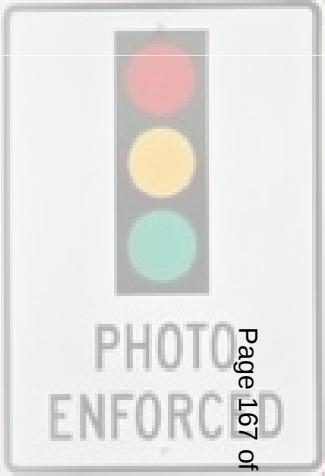
Beginning Year	Fine Amount
2024	\$100.00
2025	\$110.00
2029	\$135.00

Regulatory Speed Violations

Beginning Year	Speed of Violation	Fine Amount
2024	Exceeding the Regulatory Speed Limit 6+ MPH	\$100.00
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School Zone Speed Violations

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Inglemoor High School Zone

Council Direction:

- Implement photo enforcement at the Inglemoor High School Zone
- Allow 6 mo. period following new 30 MPH speed limit

RCW Required Elements of

Analysis

- Livability
- Accessibility
- Economics
- Education
- Environmental Health

Demonstrated Need

- Travel by Vulnerable Road Users
- Evidence of Vehicles Speeding
- Rates of Collision
- Reports Showing Near Collisions
- Ineffectiveness or Infeasibility of Other Mitigation Measures



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- Implement photo enforcement at the Inglemoor High School Zone
- Allow 6 mo. period following new 30 MPH speed limit

RCW Required Elements of Analysis

- Livability
- Accessibility
- Economics
- Education
- Environmental Health

KAPE Program Baseline

Implementing KAPE in the Inglemoor High school zone is consistent with our baseline analysis of KAPE program impact for all equity criteria.

Demonstrated Need

- Travel by Vulnerable Road Users
- Evidence of Vehicles Speeding
- Rates of Collision
- Reports Showing Near Collisions
- Ineffectiveness or Infeasibility of Other Mitigation Measures



Inglemoor High School Zone

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- Accessibility
- Economics
- Education
- Environmental Health

Demonstrated Need

- Travel by Vulnerable Road Users
- Evidence of Vehicles Speeding
- Rates of Collision
- Reports Showing Near Collisions
- Ineffectiveness or Infeasibility of Other Mitigation Measures

Site Specific Need

Implementing KAPE in the Inglemoor High school zone is warranted for the safety value to vulnerable road users and evidence of vehicles speeding.



Update to Kenmore Municipal Code

10.45 Traffic Safety Cameras

KMC 10.45.010 Authorized use of automated traffic safety cameras and restrictions.

10.45.010(A) Violations may be reviewed by police officers or trained certified staff



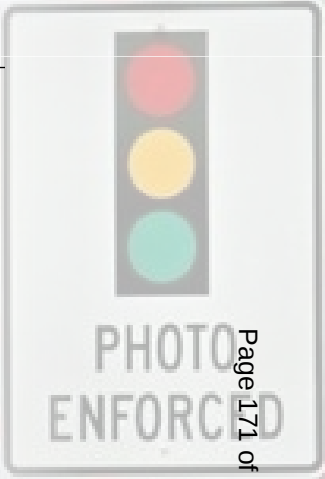
10.45.010(B) KAPE may enforce speed violations (not just school zone speed violations)



10.45.010(C) Restrictions on locations for speed enforcement
New locations require equity analysis
New requirements for determination of need
No tickets for ambulances and fire trucks



Council
Direction



	Follow-Up	Speed Violations	Fine Schedule	IHS School Zone	KMC 10.45 Update	Contract Amendment	
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Update to Kenmore Municipal Code

10.45 Traffic Safety Cameras

KMC 10.45.015 Signing and public notice.

10.45.015(A) Photo enforcement must be signed, signing must be consistent with MUTCD



10.45.015(B) Signing must be in place 30 days before cameras become active



10.45.015(C) New cameras have 60-day warning period

Supports
10.45.015(E)

10.45.015(D) City will report the following for each camera location, to be available on the website:

- Number of Crashes
- Number of Violations
- How the money was spent

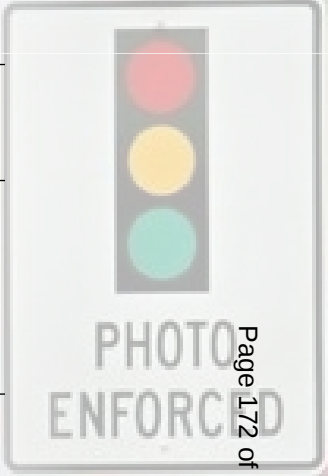


10.45.015(E) The following will constitute minimum public notice:

- Information posted on City's website
- Initial warning period



Council
Direction



Update to Kenmore Municipal Code

10.45 Traffic Safety Cameras

KMC 10.45.080 Penalties.

10.45.080(A) – 10.45.080(C) Revised fine schedule

10.45.080(D) Provision for 50% reduced fine for first offense for drivers receiving public assistance

KMC 10.45.085 Use of Revenue

10.45.085(A) Contractors paid for value of service and equipment, not percent of revenue.

10.45.085(B) Revenue must be spent on program costs and traffic safety activities.

Council
Direction



	Follow-Up	Speed Violations	Fine Schedule	IHS School Zone	KMC 10.45 Update	Contract Amendment	
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Amendment to KAPE Contract

Expanded Scope of Services

- Detection of speed violations (not just school zone speed violations)
- Expanded operation (all hours, not just school zone hours)

Increased Cost

- Speed enforcement cost increase for continuous operation
- Marginal processing fee for high-volume enforcement locations (cameras with 400+ violations per month)

Extended Contract

Term 5 year contract (2025-2029)

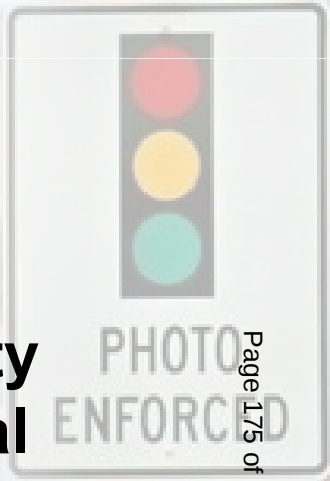
Replaces Previous Contract	Current Net Revenue
\$1.2M over 5 years	\$600,000 / year
New Contract	Estimated Future Net Revenue
\$1.8M over 5 years	\$2.6M / year

Follow-Up	Speed Violations	Fine Schedule	IHS School Zone	KMC 10.45 Update	Contract Amendment
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Recommended Council Action

- 1. Motion to approve the use of traffic safety cameras in the Inglemoor High school zone on Simonds Rd.
- 2. Motion to adopt Ordinance 24-0619 to update Chapter 10.45 of the Kenmore Municipal Code, Automated Traffic Safety Cameras.
- 3. Motion to approve the contract amendment with Vera Mobility for an amount up to \$1.8 Million over five years plus marginal processing fees for Photo Enforcement Services and authorize the City Manager to sign the contract amendment.



	Follow-Up	Speed Violations	Fine Schedule	IHS School Zone	KMC 10.45 Update	Contract Amendment	
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August 26, 2024

Ms. Dawn Reitan
Inslee Best
Skyline Tower, Suite 1500
10900 NE 4th Street
Bellevue, Washington 98004

Re: City of Kenmore – investigation of citizens’ complaints

Dear Ms. Reitan:

At your request, I investigated citizens’ complaints concerning the Kenmore City Council’s decision to purchase three acres of property for the construction of a new public works center. This report constitutes a summary of the evidence, the witness interviews, and the conclusions I draw therefrom. It is not intended as a full recitation of the facts gathered. I base my conclusions on a preponderance of the evidence standard, under which I accept an allegation as fact when it is more probably true than not true based on the available evidence.

WITNESS INTERVIEWS

Rob Karlinsey, Kenmore City Manager, on August 12, 2024

Brian Hampson, Kenmore Building Official, on August 12, 2024

On August 14, I contacted the citizen complainants, Patrick O’Brien and Stacey Valenzuela, via email. Both initially expressed interest in being interviewed but stopped responding when I attempted to schedule.

DOCUMENTS REVIEWED

Affidavit of Stacey Valenzuela, received by the city on June 10, 2024

Records relating to property purchase and selection process

SUMMARY OF COMPLAINT AND EVIDENCE

Complaints prompting investigation

The City of Kenmore requested this investigation following receipt of a June 10, 2024, affidavit from Stacey Valenzuela and after receipt of comments from Patrick O’Brien at the June 10 and June 17 city council meetings. Valenzuela and O’Brien allege that City of

Ms. Dawn Reitan
August 26, 2024
Page 2

Kenmore staff, especially City Manager Rob Karlinsey and Building Official Brian Hampson,¹ induced the city council to purchase real property by making misrepresentations and withholding information about a different property.

The primary allegation is that city staff falsely stated that a property formerly owned by Northshore Fire District (hereinafter “firehouse property”) was not available for purchase. Valenzuela’s affidavit alleges that the owner of the firehouse property told Valenzuela he would sell his property to the city for \$3 million, and that the property owner had not heard from the city since 2018.

In his public comments to the city council, O’Brien alleged that by failing to negotiate a purchase for the firehouse property, the city incurred a \$30-\$50 million expenditure to buy and build on a different property. Using strong language, O’Brien asserted that staff “lied” to the council and pushed the purchase through with no scrutiny.

O’Brien further alleged that city staff colluded with Sound Transit not to purchase the firehouse property so that Sound Transit could acquire it. Lastly, O’Brien alleged that Sound Transit intends to construct a parking garage within the critical area buffer, which casts doubt on the city’s assertion that the firehouse property is too environmentally constrained for the public works center.

In response to my email requesting an investigative interview, O’Brien wrote:

It is alleged: The City of Kenmore made a secret deal with Sound Transit to not select the Old Fire Station while looking for the site of a New Kenmore Maintenance facility. Sound Transit plans to build a four or more story parking garage on the Old Kenmore Fire station site. That multi story building would be directly in the flight path to Lake Washington of the Blue Heron and their nesting site adjacent (in a swamp) to the Old King County Police Station. . . . The public noticed and commented on a cover up early on. The fraudulent evaluation process was apparent. . . . The process used for evaluation was fake. This scam will cost the Kenmore taxpayers thirty to seventy million dollars. We should have had a public vote on this topic. The City Council could have acquired the totally renovated Old Fire Station for Three to Five million. Criminal acts have occurred is a question that must be answered. Also look into the failed use of [Eminent] Domain to take property in (private hands) on the Sammamish River. This prior attempt was spearheaded by the Ex City mayor that may have to be questioned. . . . That attempted “taking” was before this fiasco. As now the public spoke out.

¹ The Valenzuela affidavit refers to an employee with the initials “BH,” which is believed to be Brian Hampson.

Ms. Dawn Reitan
August 26, 2024
Page 3

Property selection process

Following its incorporation in 1998, the City of Kenmore contracted with the adjoining City of Lake Forest Park to provide public works services. On May 5, 2018, Lake Forest Park notified Kenmore it was terminating the contract effective December 31, 2018—giving Kenmore a short turnaround to establish its own operation.

The city immediately began hiring maintenance staff and, for lack of a better option, housed them on a vacant half-acre property and in a portion of the city-owned post office building. The space is inadequate and not a long-term solution. In 2018, the city began looking for a permanent site for a new public works center.

In 2011 or 2012, the Northshore Fire District constructed a new fire station across the street from the firehouse property. The fire district offered to sell the firehouse property to the city, but as Lake Forest Park was providing public works services, the city had no pressing need. Regardless, locating a public works center in the downtown area was not ideal.

The fire district sold the property to Ravinder Thind, who converted the building to a Montessori School. In August of 2018, Karlinsey contacted Thind to ask if he was willing to sell. Thind responded with an “unequivocal no.” Thind told Karlinsey the school was doing well and he was looking to expand his operation.

The city council approved a purchase and sale agreement for property on 68th Avenue in the rural area of Kenmore. The property was designated residential and would have required a comprehensive plan amendment and rezone. After conducting phase 1 and phase 2 environmental assessments—and in the face of community opposition—the city abandoned the agreement.

The city then considered purchasing a warehouse in the regional business zone, which would have allowed the public works center outright, and which would not have required substantial construction or remodeling. The owners declined to sell. The city retained an attorney to commence eminent domain proceedings, prompting an outcry from the owners and hours of public comments before the council. In 2020, the city abandoned plans to acquire the property.

In the fall of 2020, the city council formed a subcommittee to develop criteria for a formal purchasing process. On March 15, 2021, Jennifer Gordon (Public Works Operation Manager) and Richard Sawyer (Surface Water Manager) presented the criteria to the council. The process consisted of five phases of qualifying and disqualifying conditions on a six-point scoring scale, including property size, configuration, access, environmental constraints, cost, zoning, and the impact on neighboring properties. Whether there was a willing seller was

Ms. Dawn Reitan
 August 26, 2024
 Page 4

included as a consideration in phase 4. City staff identified 148 properties to put through the screening process, including the firehouse property.

The firehouse property received scores of zero for access and price and was eliminated in phase 2. The estimated purchase price—\$7.1 million for approximately 1.5 useable acres²—was higher than desired. The city would incur an estimated \$1.7 million in remodeling costs for the existing building. Environmental constraints to the east, including wetland buffer and heron habitat, would restrict future expansion and likely preclude construction of a shop space, parking improvements, maintenance yard, and outbuildings.

At the council meeting on July 26, 2021, a councilmember asked staff why the firehouse property did not survive the screening process. Jennifer Gordon responded that staff had approached the owner a year or two ago³ and the owner did not want to sell. Richard Sawyer added that the estimated land cost was relatively high and that environmental constraints made it infeasible to construct improvements. Gordon then noted that properties that made the final cut received perfect scores in phases 1 and 2.

Brian Hampson did not participate in this discussion. As the Building Official, he had no formal role in the property selection process.

Utilizing the selection criteria, the city council chose a property located on 202nd Street, adjacent to Kenmore Middle School—a combination of properties in two separate ownerships. The owners sold willingly and the acquisition faced little community opposition. The purchase price was \$6 million for approximately three acres. At the time of the selection, the city anticipated construction costs at \$4.7 million.

A subsequent construction estimate, prepared by an architectural consultant, came in at \$35 million, causing “sticker shock.” At the city’s request, the architect reduced the building size and removed outbuildings and the decant facility, which reduced the cost to \$22 million, including the land acquisition. On December 4, 2023, the city council authorized the issuance of bonds.

In early 2024, Ravinder Thind told a new councilmember he was willing to sell the firehouse property. Thind did not name a price. Even though the firehouse property had failed the selection process—and plans for the acquired property were far down the road—Karlinsey contacted Thind to ask whether he wanted to make an offer. Thind initially responded with

² At the time, the property was assessed at \$3.5 million, but commercial properties in King County were selling for far above assessed value. Applying the same multiplier that was applied to other properties, the city estimated the purchase price at \$7 million.

³ Gordon was referring to Karlinsey’s 2018 inquiry.

Ms. Dawn Reitan
August 26, 2024
Page 5

potential interest but did not commit to a phone call or meeting. Thind did not give an asking price.

Sound Transit project

In conjunction with the development of rapid bus service along SR 522, Sound Transit announced plans to construct a parking garage on the site currently occupied by the Kenmore park and ride. In July of 2020, Sound Transit presented to the city council a concept plan for a transit-oriented development, which would incorporate the parking garage into a retail and residential development.

The concept plan did not show that Sound Transit intended to utilize the firehouse property. Sound Transit did not tell the city it intended to utilize the firehouse property. It is not known if Sound Transit approached Ravinder Thind about acquiring the property.

The transit-oriented development plan has since fallen apart, and construction of the parking garage is not actively proceeding. Whether the proposed parking garage or TOD potentially impinged on critical areas would not have altered the city's decision to move ahead with purchasing the 202nd Street property.

CONCLUSIONS

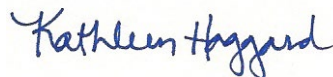
A preponderance of the evidence does not support the claim that city staff, particularly Rob Karlinsey, induced the city council to purchase the 202nd Street property by providing false, misleading, or incomplete information. The council underwent an extensive selection process that involved consideration of 148 properties under detailed criteria. The firehouse property failed phase 2 due to access limitations and anticipated costs. Whether the owner was willing to sell was irrelevant. As a matter of law, the city council has sole authority to decide which properties to acquire and at what price.

There is no credible evidence of collusion between Sound Transit and the city. The city is not aware of an intention by Sound Transit to acquire the firehouse property and has not been involved in discussions, if any, between Sound Transit and Mr. Thind.

If you have any questions or need additional information, please let me know.

Sincerely,

HAGGARD & GANSON LLP

A handwritten signature in blue ink that reads "Kathleen Haggard".

Kathleen Haggard

August 29, 2024

Ms. Dawn Reitan
Inslee Best
Skyline Tower, Suite 1500
10900 NE 4th Street
Bellevue, Washington 98004

Re: City of Kenmore – Supplemental report on investigation of citizens’ complaints

Dear Ms. Reitan:

On August 26, 2024, I issued an investigative report concerning allegations from two citizens that City of Kenmore staff, especially City Manager Rob Karlinsey, provided false or incomplete information to the city council, which induced the council to purchase property for a new public works center. As I noted in my report, the citizen complainants, Stacey Valenzuela and Patrick O’Brien, initially expressed interest in being interviewed as part of my investigation, but when I attempted to schedule with them, they stopped responding.

On August 28, Stacey Valenzuela called me. Although I had submitted my report, I heard her out. I thanked her for the call and assured her that the city appreciates her concern.

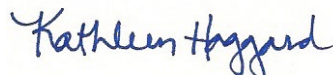
Valenzuela confirmed that the city employee she referred to in her complaint by the initials “BH” is Building Official Brian Hampson. She alleged that the owner of the firehouse property told her, in 2021 and recently, that he was willing to sell his property to the city. She stated that city staff repeatedly told the city council that the primary, if not only, reason the firehouse property was not suitable was because the property owner was unwilling to sell.

As I noted in my original report, city staff and the council eliminated the firehouse property from consideration based on access and anticipated price. Accordingly, whether the property owner was willing to sell became irrelevant. The city maintains that the firehouse property does not suit the city’s objectives. The findings in my report remain unchanged.

If you have any questions or need additional information, please let me know.

Sincerely,

HAGGARD & GANSON LLP



Kathleen Haggard