



## MEMORANDUM

**To:** Design Review Board

**From:** Angela Ruggeri, AICP, Senior Planner

**Date:** July 7, 2009

**Subject:** **DESIGN RESPONSE CONFERENCE #4**  
**TOUCHSTONE (PARKPLACE)**  
**FILE DRC09-00002**

### I. INTRODUCTION

Touchstone's proposal is for design review of a 1.8 million sq. ft. mixed-use project that includes 1.2 million sq. ft. of office space and an additional 300,000 sq. ft. of retail. Other uses include a hotel and athletic club.

The approved Master Plan has established the building and open space locations, access points and grid for the internal road system. The Zoning specifies building heights, setbacks and other development parameters. It is now the job of the Design Review Board to work with the applicant on the design of the buildings and open spaces. The approved Design Guidelines for Parkplace will be used by the DRB to guide this process.

*\*\*Please bring your copy of the Master Plan and Design Guidelines for Parkplace to the meeting.*

### II. APPLICANT'S REQUEST FOR EXTENDED TIME LIMIT FOR DRB APPROVAL

The applicant has requested that the DRB approve an extension of the normal deadline for submitting building permit applications and completing the project.

The Zoning Code establishes that the normal deadlines require the applicant to begin construction or submit a building permit within 1 year of DRB approval and substantially complete the project within 3 years. A one year extension of these deadlines may be granted under certain circumstances. However, the code also allows for the DRB to further extend those deadlines at the time the DRB decision on the design review application is made.

Touchstone has requested that the DRB decision be extended to be in effect for 10 years. According to Touchstone, the additional time is needed because of the size (seven buildings) and complexity of the project (two to four phases). Touchstone has provided a critical path timeline for

the project under a 2-phase and 3-phase scenario. This timeline divides the process into 6 month segments with the fastest possible completion occurring in 8 to 9 years depending on the number of phases (see Attachment 1).

In addition, Touchstone has requested that the DRB provide an early indication of whether it would be inclined to approve the extension (see Attachment 2). This was requested because Touchstone's financial partners are reluctant to continue their investment unless there is adequate time to complete the project.

Planned Action Ordinance No. 4175 which was part of the Planned Action Environmental Impact Statement was adopted for Parkplace by the City Council in December 2008. It will remain in effect for a period of 10 years. The applicant is asking that the Design Review Board approval be extended to match that ten year period. Ordinance 4175 is included as Attachment 3 to this memo. Section 6 of the ordinance provides for the above referenced 10 year period.

The Zoning Code provisions governing the lapse of DRB approval times are found in section 142.55.1 (see the first sentence in this section):

#### ***142.55 Lapse of Approval for Design Review Board Decisions***

1. General – *Unless otherwise specified in the decision granting D.B.R. approval, the applicant must begin construction or submit to the City a complete building permit application for development of the subject property consistent with the D.B.R. approval within one year after the final decision granting the D.B.R. approval or that decision becomes void. The applicant must substantially complete construction consistent with the D.R. approval and complete all conditions listed in the D.B.R. approval decision within three years after the final decision on the D.B.R. approval or the decision becomes void. "Final decision" means the final decision of the Planning Official or Design Review Board.*
2. Extensions
  - a. Application – *The applicant may apply for a one-time extension, of up to one year, of the time limits under subsection (1) of this section. The application for the extension must be submitted by letter prior to the expiration of the applicable time limit under subsection (1) of this section. The letter of application must be submitted to the Planning Department and, along with any other supplemental documentation, must demonstrate that the applicant is making substantial progress toward developing the subject property consistent with the D.B.R. approval and that circumstances beyond his/her control prevent compliance with the applicable time limit under subsection (1) of this section.*
  - b. Fee – *The applicant shall include with the letter of request the fee as established by ordinance.*

*c. Review Process – An application for a time extension will be reviewed by the Planning Official.*

The City Attorney has provided the Design Review Board with a draft resolution of intent that includes a five year time limit to begin construction or submit a complete building permit application and a ten year time limit for substantial completion of construction. The draft has been modified to address comments received at the 6/29/09 DRB meeting. The most recent version of the draft is included as Attachment 4. Touchstone has indicated to staff that they will not continue with the DRB process at this time if the DRB does not adopt a resolution of intent.

The DRB discussed the merits of the Touchstone proposal at their meeting on June 29 and had questions that will be further discussed at the meeting on July 13. The questions included the following:

1. The DRB asked whether it was appropriate for them to make this decision or if it should be decided by the City Council.

Response: The Zoning Code states that the decision is to be made by the Design Review Board. If the DRB decides not to adopt a resolution of intent at this time, it will need to determine if an extended time line is appropriate when it makes the final decision on the project.

2. There was also concern about whether the resolution of intent would bind the DRB in any way when it came time to make a final decision on the project.

Response: A resolution of intent is not binding, but it should be noted that the applicant will be using it as an indication of the DRB's intent concerning the extension.

3. The DRB asked if this type of extension has been granted in the past.

Response: The term of the conceptual Master Plan for Totem Lake Mall was extended through the duration of the term of the development agreement for the mall.

### **III. PREVIOUS DESIGN RESPONSE CONFERENCES**

The first Design Response Conference for this project was held on April 6, 2009. It was decided at that meeting that guidance given and decisions made at each DRB meeting will build in an iterative way upon guidance from previous meetings and provide a foundation for subsequent meetings. The second and third DRC meetings for the project were held on May 18, 2009 and June 29, 2009. A list of the main points made by the DRB at the 6/29 meeting is included below. The comments are divided by the categories that were shown on the four boards listing the Design Guidelines at the 6/29 meeting.

**Site Planning: General**  
(No comments)

## **Site Planning: District Specific**

### Gateway District

Building A – Good resolve on Breezeway.

### Central Retail Hub

Building C – Sidewalk south of Building C not required.

Building E – Sidewalk south of Building E: Hold discussion – DRB requested that Rick Grimes discuss with his clients possible path alteration toward the north side of Building E (woonerf location.)

### Park Interface

Building E – Southwest corner of Building E: Keep going on development of connection with park and the building/street interface; Good work on Building E Plaza – continue work on that.

## **Building Design: General**

### Orientation to the Street

Building A – Positive direction/resolution on “gasket” and below (retail/streetscape).

### Massing and Articulation

Buildings A, B & C – Further development of the massing: articulation with the weave/wall concept and further overall development of massing: establish scale transition.

## **Building Design: District Specific**

### Gateway District

Building A – Further development of the massing: articulation with the weave/wall concept and further overall development of massing: establish scale transition.

### Central Retail HUB

Buildings B and C – Further development of the massing: articulation with the weave/wall concept and further overall development of massing: establish scale transition.

### Park Interface

Building E – Positive direction on Building E.

\*\*The applicant has indicated that they will not continue with the design development until the time extension question is resolved so a design presentation will not be made at the July 13 meeting.

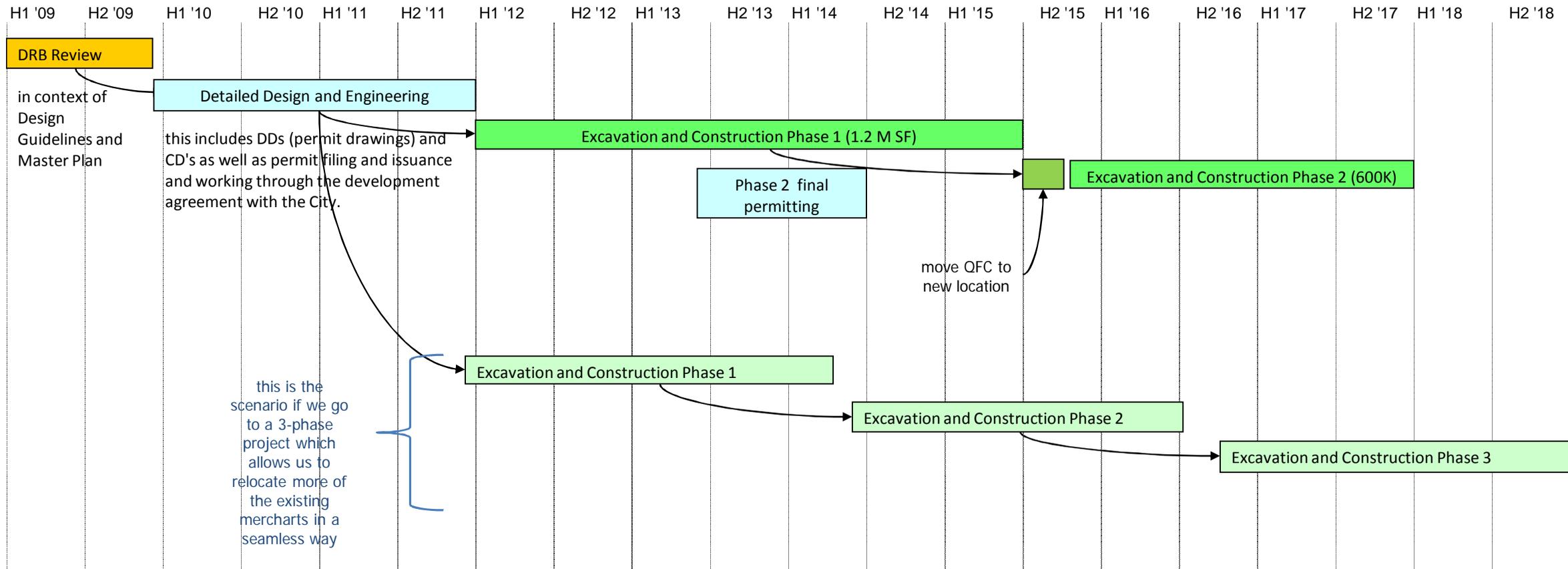
#### **IV. GOALS FOR THIS MEETING**

- Take public comment on the design.
- Vote on the resolution of intent.
- Review the list of comments made by the board at the last meeting to determine if it is complete and accurately represents DRB's concerns.
- Continue the meeting to an agreed upon date.

#### Attachments

1. Critical Path Development and Construction Schedule
2. Letter from Touchstone
3. Ordinance No. 4175
4. Draft Resolution of Intent

**KIRKLAND PARK PLACE - Critical Path Development and Construction Schedule (fastest possible timeline assuming no delays)**





## TOUCHSTONE CORPORATION

City of Kirkland  
125 Fifth Ave  
Kirkland, WA 98033

June 11<sup>th</sup>, 2009

Dear DRB Members:

We appreciate your consideration of the Kirkland Parkplace project design review application. As we progress into the details of the design, we have an initial procedural request to make of you. We would ask that you confirm that the design review decision that you make will remain in effect for the same period of time as the City Council approval of the Master Plan and Design Guidelines, which is a period of ten years. This is the period of time that we anticipate will be necessary to implement the proposal.

As you know, in December 2008, the PAO related to the Kirkland Parkplace project was approved by the Planning Commission and the Kirkland City Council, creating amendments to the Comprehensive Plan, a new Zoning Code, and a Master Plan and Design Guidelines which will remain in effect for a period of 10 years. This is a more extended period of time than is usually afforded to projects. The reason it was afforded to this project was the project's magnitude: the number of buildings (seven) and the anticipated phasing of construction (two to four phases). It is likely, given this magnitude, that project development will likely take up to the full ten years to complete.

As for design review, we are advised that the City's ordinance provides that DRB decisions may remain in effect for ten years; however, unless the DRB makes an affirmative decision to that end, the ordinances remain in effect only for a period of 1 year to permit filing, and 3 years to completion.

Our partners at Prudential are understandably reluctant to spend the additional five million dollars required to complete the DRB process (and the technical feasibility studies that provide certainty about the final design), without confirmation that the approvals ultimately obtained will be in effect for the period of time necessary to complete the project.

Accordingly, we respectfully request that the DRB make a decision at this time, to have its ultimate DRB design review action on the Parkplace project remain in effect for a period of ten years, consistent with the December 2008 City Council approvals. This will provide the necessary certainty, and a sound basis, for our financial partners to continue investing the significant resources required to develop a strong, lasting, and well-reviewed plan consistent with the best interests of the City.

Sincerely,

Douglas Howe

ORDINANCE No. 4175

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND PLANNING; ESTABLISHING A PLANNED ACTION FOR TWO AREAS IN THE MOSS BAY NEIGHBORHOOD GENERALLY LOCATED EAST OF PETER KIRK PARK, SOUTH OF CENTRAL WAY/NE 85<sup>TH</sup> STREET, WEST OF 10<sup>TH</sup> STREET, AND NORTH OF KIRKLAND WAY PURSUANT TO THE STATE ENVIRONMENTAL POLICY ACT, RCW 43.21C.031.

WHEREAS, the State Environmental Policy Act ("SEPA", 43.21C) and implementing rules (WAC 197-11) provide for the integration of environmental review with land use planning and project review through designation of "Planned Actions" by jurisdictions planning under the Growth Management Act ("GMA"); and

WHEREAS, designation of a Planned Action expedites the permitting process for subsequent, implementing projects whose impacts have been previously addressed in a Planned Action environmental impact statement ("EIS"), and thereby encourages desired growth and economic development; and

WHEREAS, the Planned Action EIS identifies impacts and mitigation measures associated with planned development in the Planned Action Area;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Purpose. The purpose of this ordinance is to:

- A. Combine environmental analysis with land use planning;
- B. Streamline and expedite the development permit review process by relying on the EIS completed for the Planned Action;
- C. Establish criteria and procedures, consistent with state law, that will determine whether subsequent projects qualify as Planned Actions;
- D. Provide the public with an understanding of Planned Actions and how the City will process Planned Actions; and
- E. Apply the City's development regulations together with the mitigation measures described in the EIS and this Ordinance to address the impacts of future development contemplated by the Planned Action.

Section 2. Findings. The City Council finds as follows:

A. The City is subject to the requirements of the Growth Management Act, RCW 36.70A, and is located within an Urban Growth Area;

B. The City has adopted a Comprehensive Plan complying with the GMA;

C. The City is adopting development regulations applicable to the proposed development concurrent with adoption of this Planned Action Ordinance to address many of the impacts of future development;

D. The City has prepared an EIS complying with SEPA for the area designated as a Planned Action ("Planned Action EIS") and finds that it adequately addresses the probable significant environmental impacts associated with the type and amount of development planned to occur in the designated Planned Action area;

E. The mitigation measures identified in the Planned Action EIS are attached to this Ordinance as Exhibit B. These mitigation measures, together with City development regulations, will adequately mitigate significant impacts from development within the Planned Action area;

F. The Planned Action EIS and this Ordinance identify the location, type and amount of development that is contemplated by the Planned Action;

G. Future projects that are consistent with the Planned Action will protect the environment, benefit the public and enhance economic development;

H. The City has provided numerous opportunities for meaningful public involvement in the proposed Planned Action; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments;

I. The proposal is not an essential public facility as defined by RCW 36.70A.200(1);

J. The Planned Action area applies to a defined area that is smaller than the overall City boundaries; and

K. Public services and facilities are adequate to serve the proposed Planned Action with the mitigation measures identified in Exhibit B..

Section 3. Procedures and criteria for evaluating and determining projects as Planned Actions:

A. Planned Action Area. The Planned Action designation shall apply to the two areas in the Moss Bay Neighborhood as are specifically shown in Exhibit A, "Planned Action Area": the 11.5 acres of property at 457 Central Way known as the Parkplace Mall and generally located east of Peter Kirk Park (Area A on Exhibit A); and the parcel at 220 6<sup>th</sup> Street and the parcel at 603 and 611 4<sup>th</sup> Avenue to the north on 0.9 acres of land (Area C on Exhibit A). Additionally, the Planned

Action designation shall apply to any off-site improvements necessitated by proposed development on the subject sites, where the off-site improvements have been analyzed in the Planned Action EIS.

B. Environmental Document. A Planned Action determination for a site-specific permit application shall be based on the environmental analysis contained in the Draft Planned Action EIS issued by the City on April 4, 2008, and the Final Planned Action EIS published on October 16, 2008. The mitigation measures contained in Exhibit B, which is attached hereto and adopted by reference as though fully set forth herein, are based upon the findings of the Draft and Final EISs and shall, along with existing City codes, ordinances, and standards, provide the framework that the City will use to impose appropriate conditions on qualifying Planned Action projects. The Draft and Final EISs shall comprise the Planned Action EIS.

C. Planned Action Designated. Land uses described in the Planned Action EIS, subject to the thresholds described in Subsection D of this Section and the mitigation measures contained in Exhibit B, are designated Planned Actions pursuant to RCW 43.21C.031. A development application for a site-specific Planned Action project located within the Planned Action Area shall be designated a Planned Action if it meets the criteria set forth in Subsection D of this Section and applicable laws, codes, development regulations and standards of the City.

D. Planned Action Thresholds. The following thresholds shall be used to determine if a site-specific development proposed within the Planned Action area is contemplated by the Planned Action and has had its environmental impacts evaluated in the Planned Action EIS. Thresholds and required mitigation measures are based on the FEIS Review Alternative contained in the Planned Action Final EIS:

(1) *Land Uses.* Subject to the mitigation measures described in Exhibit B, the following land uses, together with the customary accessory uses and amenities described in the Planned Action EIS, are Planned Actions pursuant to RCW 43.21C. 031.

(a) The following uses are the primary uses analyzed in the Planned Action EIS for Area A:

- (i) Office; and
- (ii) Retail and Other Commercial, including a hotel, restaurants, supermarket, mixed retail, athletic/health club and theater.

(b) The following uses are the primary uses analyzed in the Planned Action EIS for Area C:

- (i) Office; and
- (ii) Residential.

(2) *Land Use Review Threshold.*

(a) The Planned Action designation applies to future development proposals that are comparable or within the ranges established by Planned Action FEIS Review Alternative, as shown below:

<b>Land Use</b>	<b>Area A (Parkplace)</b>	<b>Area C (Altom)</b>
Office	1,200,000 sq. ft.	101,234 sq.ft. <sup>2</sup>
Residential	<i>Not Analyzed</i>	20 dwelling units
Retail/Commercial <sup>1</sup>	592,700 sq.ft. <sup>3</sup>	<i>Not Analyzed</i>
<b>Total</b>	1,792,700 sq.ft.	101,234 sq.ft. 20 dwelling units

1. All uses listed in the "Retail and Other Commercial" category in Subsection D(1)(a) are included in the 592,700 s.f. total.

2. If residential uses are included, the amount of permitted office use square footage would be reduced proportionately to meet zoning standards.

3. The Retail/Commercial must include a minimum of 300,000 square feet of retail development or at least 25% of the office square footage must be retail.

(b) If future development proposals in the Planned Action Area exceed the maximum development parameters reviewed in the Planned Action EIS, further environmental review may be required under SEPA, as provided in WAC 197-11-172. If proposed plans significantly change the location of development or uses in a manner that would alter the environmental determinations in the Planned Action EIS, additional SEPA review would also be required. Shifting development proposals between categories of land uses may be permitted so long as the resulting development does not exceed the trip generation thresholds (see sub-section 4(a) below) reviewed in the Planned Action EIS and does not exceed the proportions or minimums noted in sub-section 2(a) above.

(3) *Building Heights, Bulk, and Scale.* Building heights, bulk, and scale shall not exceed the maximums reviewed in the Planned Action EIS.

(4) *Transportation.*

(a) *Trip Ranges:* The range of trips reviewed in the Planned Action EIS are as follows:

**Trip Generation – Net New Trips Reviewed in Planned Action EIS**

<b>Time</b>	<b>Area A (Parkplace) Range- Net New Trips</b>	<b>Area C (Altom) Range – Net New Trips</b>
PM Peak Hour	3,531	174

(b) *Trip Threshold.* Development proposals that would exceed the maximum trips levels shown above will require additional SEPA review.

(c) *Public Works Discretion.* The City Public Works Director shall have discretion to determine incremental and total trip generation, consistent with the Institute of Traffic Engineers (ITE) Trip Generation Manual (latest edition) or an alternative manual accepted at the City Public Works Director's sole discretion, for each Planned Action Project permit application proposed under this Planned Action. It is understood that development of the Planned Action may occur in parts and over a period of years. The City shall require that off-site mitigation and transportation improvements identified in the Planned Action EIS be implemented in conjunction with development to maintain adopted levels of service standards.

(d) *Transportation improvements.*

(i) *Intersection Improvements.* The Planned Action will require off-site transportation improvements identified in Exhibit B to mitigate significant impacts. These transportation improvements have been analyzed in the Planned Action EIS. The City Public Works Director shall have the discretion to adjust the allocation of responsibility for required improvements as between individual planned action projects based on their identified impacts. Significant changes to the City's transportation improvement plan proposed as part of any Planned Action Project that have the potential to significantly increase impacts to air quality, water quality, fisheries resources, noise levels or other factors beyond the levels analyzed in the Planned Action EIS may require additional SEPA review.

(ii) *Transportation Management Program.* The owners or operators of development projects within Areas A and C shall prepare and implement Transportation Management Programs (TMP) as a means to encourage alternatives to single-occupant vehicles including transit and to thereby reduce traffic generation and parking demand. The TMP for Area A shall include the TMP elements identified in the transportation mitigation measures in the Planned Action EIS, attached as Exhibit C to this ordinance. The City Public Works Director shall have the discretion to modify the individual elements of a TMP as a means to accomplish its objectives and to enhance its effectiveness.

(iii) **Parking Management.** Parking to support development within Areas A and C shall be provided as required by the Kirkland Zoning Code. A developer may choose to reduce the number of parking spaces based on a demand and utilization study prepared by a licensed transportation engineer. The City's Transportation Engineer must approve the scope and methodology of the study as well as the effectiveness of the TMP and parking management measures.

(e) **Transportation Impact Fees.** All Planned Action Projects shall pay, as a condition of approval, the applicable transportation impacts fees according to the methodology contained in the ordinance adopting such impact fees. The City may adjust such fees from time to time.

(f) **Capital Facilities.** Improvements to water facilities are identified in Exhibit B. The City Public Works Director shall have the discretion to determine and allocate responsibility for required improvements as between individual Planned Action projects.

(5) ***Changed Conditions.*** Should environmental conditions or assumptions change significantly from those analyzed in the Planned Action EIS, the City's SEPA Responsible Official may determine that the Planned Action designation is no longer applicable until supplemental environmental review is conducted.

(6) ***Additional Mitigation Fees.*** The City may adopt and apply such other fees as may be deemed necessary and appropriate to mitigate impacts to other capital facilities in the City and to accommodate planned growth. Such fees, if adopted, shall be in addition to the fee required in item (4)(e) of this subsection, and shall apply only to required improvements that are not addressed in this subsection.

E. **Planned Action Review Criteria.**

(1) The City's Planning and Community Development Director or designee is authorized to designate a project application that meets all of the following conditions as a Planned Action pursuant to RCW 43.21C.031(2)(a):

(a) The project is located within the Planned Action Area identified in Exhibit A, pursuant to Section 3(A) of this ordinance or is an off-site improvement directly related to a proposed development within the Planned Action Area;

(b) The project is consistent with the City of Kirkland Comprehensive Plan and the Comprehensive Plan policies for the Downtown Plan;

(c) The project's significant adverse environmental impacts have been adequately addressed in the Planned Action EIS;

(d) The proposed uses are consistent with those described in the Planned Action EIS and Section 3(D) of this Ordinance;

(e) The project is within the Planned Action thresholds of Section 3(D) and other criteria of this section of this Ordinance;

(f) The project's significant impacts have been mitigated by application of the measures identified in Exhibit B, as well as other City, county, state and federal requirements and conditions, including compliance with any conditions agreed to pursuant to a development agreement between the City and applicant if executed, which together constitute sufficient mitigation for the significant environmental impacts associated with the proposed project;

(g) The proposed project complies with all applicable local, state and/or federal laws and regulations, and where appropriate, the proposed project complies with needed variances or modifications or other special permits which have been identified; and

(h) The proposed project is not an essential public facility.

F. Effect of Planned Action.

(1) Upon designation by the City's Planning and Community Development Director that the project qualifies as a Planned Action pursuant to this Ordinance and WAC 197-11-172, the project shall not require a SEPA threshold determination, preparation of an EIS, or be subject to further review under SEPA.

(2) Being designated as a Planned Action means that a proposed project has been reviewed in accordance with this Ordinance and found to be consistent with the development parameters and environmental analysis contained in the Planned Action EIS.

(3) Planned Actions that meet all criteria established in this ordinance will not be subject to further procedural review under SEPA. However, projects will be subject to conditions as outlined in this document and the attached Exhibit B which are designed to mitigate any environmental impacts which may result from the project proposal. Additionally, projects will be subject to applicable City, state, and federal regulatory requirements. The Planned Action designation shall not excuse a project from meeting the City's code and ordinance requirements apart from the SEPA process.

G. Planned Action Permit Process. The City's Planning and Community Development Director or designee shall review projects and determine whether they meet the criteria as

Planned Actions under applicable state, federal, local laws, regulations, codes and ordinances. The procedures shall consist, at a minimum of the following:

(1) Development applications shall meet the applicable requirements of the Kirkland Municipal Code (KMC). Applications shall be made on forms provided by the City and shall include a SEPA checklist, revised SEPA checklist or such other environmental review forms provided by the City;

(2) The City's Planning and Community Development Director shall determine whether the application is complete;

(3) If the application is for a project within the Planned Action Area shown on Exhibit A, the application will be reviewed to determine if it is consistent with and meets all of the qualifications of Section 3 of this Ordinance;

(4) After the City receives and reviews a complete application, the City's Planning and Community Development Director shall determine whether the project qualifies as a Planned Action. If the project does qualify, the Director shall notify the applicant and the project shall proceed in accordance with the applicable permit review procedure, except that no SEPA threshold determination, EIS, or additional SEPA review shall be required. The decision of the Director regarding qualification as a Planned Action shall be final;

(5) Public notice and review for projects that qualify as Planned Actions shall be tied to the underlying development permit and not to SEPA notice requirements. If notice is otherwise required for the underlying permit, the notice shall state that the project has qualified as a Planned Action. If notice is not otherwise required for the underlying permit, no special notice is required by this ordinance;

(6) If a project is determined not to qualify as a Planned Action, the City's Planning and Community Development Director shall so notify the applicant and the SEPA Responsible Official shall prescribe a SEPA review procedure consistent with the City's SEPA regulations and the requirements of state law. The notice shall describe the elements of the application that result in failure to qualify as a Planned Action. If deemed ineligible, the application may be amended to qualify; and

(7) Projects that fail to qualify as Planned Actions may incorporate or otherwise use relevant elements of the Planned Action EIS, as well as other relevant SEPA documents, to assist in meeting SEPA requirements. The SEPA Responsible Official may limit the scope of SEPA review for the non-qualifying project to those issues and environmental impacts not previously addressed in the Planned Action EIS.

H. Development Agreements. The City or an applicant may request consideration and execution of a development agreement for a Planned Action project. The development agreement may address the following: review procedures applicable to a planned action project; permitted

uses; mitigation measures; construction, financing and implementation of improvements, including methods of financing and proportionate shares, and latecomers agreements; payment of impact fees; phasing; and any other topic that may properly be considered in a development agreement consistent with RCW 36.70B.170 et seq.

I. Monitoring and Review.

A. The City shall monitor the progress of development in the designated Planned Action area to ensure that it is consistent with the assumptions of this Ordinance and the Planned Action EIS regarding the type and amount of development and associated impacts, and with the mitigation measures and improvements planned for the Planned Action area.

B. This Planned Action Ordinance shall be reviewed by the SEPA Responsible Official as part of the City's ongoing Comprehensive Plan update procedure to determine its continuing validity with respect to the environmental conditions of the Planned Action Area, the impacts of development, and the adequacy of required mitigation measures. Based upon this review, this Ordinance may be amended as needed, the City may supplement or revise the Planned Action EIS, and/or another review period may be specified. Subsequent reviews of the Planned Action Ordinance shall occur as part of the City's Comprehensive Plan amendment process.

Section 4. Conflict. In the event of a conflict between this Ordinance or any mitigation measures imposed pursuant thereto and any ordinance or regulation of the City, the provisions of this Ordinance shall control, except that the provisions of the state building code shall supersede this Ordinance. In the event of a conflict between this Ordinance (or any mitigation measures imposed pursuant thereto) and any development agreement between the City and a Planned Action applicant(s), the provisions of the development agreement shall control.

Section 5. Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or its application be declared unconstitutional or invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any other person or situation.

Section 6. Expiration. This Ordinance shall expire ten (10) years from the date of passage unless it is extended by the City Council following a report from the SEPA Responsible Official and a public hearing.

Section 7. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 16th day of December, 2008.

Signed in authentication thereof this 16th day of December, 2008.

  
\_\_\_\_\_  
MAYOR

Attest:

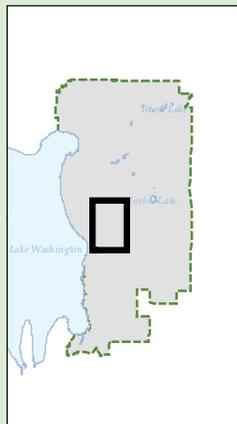
  
\_\_\_\_\_  
City Clerk

Approved as to Form:

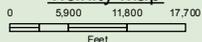
  
\_\_\_\_\_  
City Attorney

# Vicinity Map

O-4175

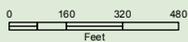


Vicinity Map



**Map Legend**

-  Planned Action Areas
- A = Touchstone (Park Place)
- B = Orni
- C = Altom



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# Planned Action Ordinance Mitigation Measures

Table 3.4-18. Potential Capacity Improvements to Address Impacts

ID	Location	Improvement	No Action <sup>1</sup>			Proposed Action <sup>1</sup>			FEIS Review <sup>1</sup>		
			2014 TIA	2014 Conc	2022 Conc	2014 TIA	2014 Conc	2022 Conc	2014 TIA	2014 Conc	2022 Conc
4	Central Way/Parkplace Driveway	Install signal	X			X			X		
101	Lake Washington Boulevard/NE 38th Place	Add 720-ft right lane on northbound receiving lanes (north of the Intersection), modified to extend up to NE 43rd St w/ bike lanes)			X			X			X
105	Central Way/6th Street	Construct dual westbound left turn lane and a southbound right turn lane between Central and 4 <sup>th</sup> Avenue. Modify signal to provide westbound left/northbound right overlap phase.				X		X	X		X
109	NE 85th Street/114th Avenue NE	Restripe southbound dual left and eastbound right to through conversion.	X		X	X	X	X	X	X	X
110	6th Street/4th Avenue	Dual eastbound left turn, with widening on 6th Street				X			X		
112	Kirkland Way/6th Street	Install signal. (CIP Project #TR20-3)				X			X		
128	Central Way/5th Street	Install signal.				X			X		
129	Central Way/4th Street	Extend two-way-left-turn by moving crosswalk to Parkplace Signal	X			X			X		
169	6th Street/7th Avenue	Add left turn lanes on northbound				X					

ID	Location	Improvement	No Action <sup>1</sup>			Proposed Action <sup>1</sup>			FEIS Review <sup>1</sup>		
			2014 TIA	2014 Conc	2022 Conc	2014 TIA	2014 Conc	2022 Conc	2014 TIA	2014 Conc	2022 Conc
		and southbound approaches									
169	6th Street/7th Avenue	Add northbound approach left turn lane						X			
202	100th Avenue NE/NE 124th Street	Modify the signal phase to be the same as during AM peak period, with northbound and southbound to be split phase, and southbound configuration to be left, left/through shared, and through/right shared. <sup>2</sup>							X		X
204	116th Way NE/NE 132nd Street	Reconfigure the intersection based on the 132nd Street Study and new I-405 northbound on-ramp			X				X		X
211	Market Street/15th Avenue	Install signal.				X					
211	Market Street/15th Avenue	Install signal at this location or at 7 <sup>th</sup> Avenue.						X			
304	NE 132nd Street/124th Street NE	Construct eastbound dual left turn lane, based on the 132nd Street Study			X				X		X
316	Totem Lake Boulevard/NE 132nd Street	Reconfigure the intersection based on the 132nd Street Study and new I-405 northbound on-ramp			X				X		X
402	NE 85th Street/124th Avenue NE	Add northbound right-turn-only pocket				X					
402	NE 85th Street/124th Avenue NE	Provide corridor improvements such as traffic signal interconnect						X			

<sup>1</sup>TIA = Traffic Impact Analysis; Conc = Concurrency

<sup>2</sup> No concurrency impact was identified at this intersection. This mitigation measure is recommended in order to improve conditions in the subarea, to address the concurrency impact that was identified in the northwest subarea under the 2022 Proposed Action scenario.

## Police

Provision of on-site security services including video surveillance systems, to Area A in particular, may reduce the increased need for police response to that area. This reduction is largely dependent on the nature of the incident.

Security-sensitive design of buildings and the landscaping environment, such as installing only moderate height and density border shrubs, could reduce certain types of crimes, such as auto and store-front break-ins.

## Water

### No Action

The following water mitigation measures are required under the No Action:

- Segment A. This segment includes improvements identified as part of improvement number CIP 144. Replace an existing 8-inch diameter water main in Area A with a new 12-inch diameter water main. Replace the existing connections on the north side of Area A, crossing Central Way west of 5th Street and on the east side of the Area, crossing 6th Street south of 4th Avenue with 12-inch diameter water mains. Construct a new 12-inch diameter connection at the south side of Area A so that a looped connection is created to connect the proposed on-site 12-inch main to the existing 8-inch and 12-inch diameter water mains under Kirkland Avenue.
- Segment B. Replace the existing 8-inch water main along 6th Street with a new 12-inch water main between the east side of the Parkplace water main loop to approximately the intersection of 6th Street and Kirkland Circle.
- Segment C. Replace the existing 8-inch water main along Kirkland Circle from 6th Street to 4th Avenue with a new 12-inch main.
- Segment D. Replace the existing 8-inch water main along 4th Avenue, 5th Avenue, and 10th Street from Kirkland Circle to 3rd Avenue with a new 12 inch main.

In addition to the above segments, one of the following segments must also be constructed in order to accommodate development under either the No Action or Proposed Action alternatives.

- Segment E. Install a new 12-inch water main along the unimproved right-of-way between 2nd Avenue and 5th Avenue from approximately 4th Avenue to 10th Street. This improvement is not identified in the City of Kirkland Comprehensive Water System Plan.

- Segment F. Replace the existing 8-inch water main along 2nd Avenue and 10th Street from 6th Street to 3rd Avenue with a new 12-inch main.

## Proposed Action and FEIS Review Alternative

In addition to the improvements required under No Action, the Proposed Action will require that the new 12-inch water main in Segment C (located at Kirkland Circle from 6th Street to 4th Avenue) be enlarged to a 16-inch main.

## Transportation and Parking Management Plan

### Purpose

The applicant shall be required to implement a Transportation Management Plan (TMP). The purpose of the TMP is to reduce drive alone<sup>1</sup> (single-occupant) vehicle trips generated by the development and also to reduce the demand for parking. The provisions of the TMP will apply to the site as a whole unless individual provisions are clearly intended to apply to individual buildings or individual tenants within individual buildings.

### Trip Reduction Measures

At a minimum, the TMP will include the following provisions unless alternate measures are approved by the Kirkland Public Works Director.

1. **Site Transportation Coordinator (STC)** - Prior to receiving the Certificate of Occupancy for the first building, the property manager shall appoint a Site Transportation Coordinator (STC). The STC will coordinate and administer the TMP responsibilities, and shall receive sufficient support and direction from management to carry out these responsibilities effectively for the life of the project. The name, phone number and fax number of the STC shall be forwarded to the City Public Works Department, and updated if and when the STC changes.
2. **Employee Transportation Coordinators (ETC)** - Each tenant shall assign a representative to act as Employee Transportation Coordinator (ETC) and liaison between the owner or property manager and the tenant employees. The ETC and STC will inform their employees regarding commuter-related information and assist with the annual employee survey.
3. **Commuter Information Center (CIC)** - The owner shall install at least one electronic kiosk in each building in a highly visible and accessible area of the lobby or other locations approved by the City. The kiosks will display real time transportation information including transit route maps and stop times, commuter congestion, parking rates, and information about alternative modes of travel. It will also display the STC name and phone number.
4. **Commuter Information** - The STC shall produce and distribute a commuter information packet to all site employees. In order to ensure that employees and tenants understand TMP requirements, the applicant shall:
  - a. Produce a commuter information packet (CIP), a commuter benefits brochure that contains complete information about the applicant's TMP, including transportation

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<sup>1</sup> 1. "Drive alone" means a motor vehicle occupied by one (1) employee for commute purposes, including a motorcycle and the commute trip occur between 7:00 A.M. and 9:00 A.M. Monday through Friday.

benefits, transportation options, HOV programs and discounts, bicycling amenities, transportation subsidies, and other elements of the TMP.

- b. Distribute the first CIP to tenants prior to or upon occupancy.
  - c. Redistribute the CIP and any updates to the program to tenants, employees, students, other building workers and occupants at least once each year.
  - d. Update the CIP and its contents as conditions change.
  - e. Include a copy of the CIP in the annual report to the City.
5. **Promotions** - The STC shall promote alternatives to drive alone commuting by implementing semi-annual promotional campaigns. Information in the commuter information packet or other information made available by the City and/or King County Metro shall be distributed to employees.
  6. **Ride matching** - Ride-matching information for carpool and vanpool programs shall be regularly distributed by the STC. These programs can help match an employee with potential carpool mates who live in close proximity, if that person prefers carpool as a mode choice over other alternative modes.
  7. **Training/Network Group Meetings** - The STC will attend appropriate training sessions and local network group meetings as made available by the City or through its agent.
  8. **Vanpool parking** - Vanpools registered with a public transit agency will be provided free on-site parking. At least six of the riders in each of vanpool must be employed at the site to qualify for free parking. Reserved parking spaces for all registered vanpools will be provided in the below grade parking levels in preferential locations near the building elevators.
  9. **Carpool Parking** - Carpool parking will be signed and located near the building elevators and main entrances. Carpool parking will be provided for each office tower prior to occupancy at a ratio of one space per 7,250 sf. This ratio would accommodate the goal of 12% of the employees carpooling to the site. These spaces will be reserved for carpools until 9:30 A.M. on weekdays; unused spaces can be used for visitor parking after 9:30 A.M. Additional carpool spaces shall be provided if the employee commute survey determines that more than 12% of the employees carpool to the site.
  10. **Bicycle Parking** - Secured and covered employee bicycle parking shall be provided for 50 bikes in areas approved by the City. Bike rack design shall be approved by the City. Additional bicycle racks shall be provided as needed based on the employee commute trip survey.

11. **Showers and lockers** – Initially, a total of 50 lockers and 16 showers (25 lockers and eight showers each for men and women) shall be provided at no cost to user for commuters using non-motorized transportation. Additional lockers and showers may be provided as needed based on the employee commute trip survey.
12. **Incentive for Alternative Travel Modes** – Initially, office tenants shall offer a transit pass or a “transportation allowance” for all employees who do not drive to work. The allowance, which should be equal to the cost of an average transit pass, can be used for vanpool fees, to support carpooling, or as a bonus for employees who walk or ride their bike to work.
13. **Guaranteed ride home** - A guaranteed ride home shall be provided to all employees who commute by alternative modes (this service could be provided through another program such as Metro’s Flexpass). This allows employees a quick ride home in the event of an emergency by taxi, company-owned vehicle or car-sharing vehicle. The number of free emergency rides per employee shall be limited to three per year.
14. **Part-time Parking Pass** - A part-time parking pass option shall be offered to employees who desire to use alternative modes of transportation (or telecommute) one or more days per week. This type of pass works like a debit card, and the pass holder is only charged for parking on the days that they park.
15. **Car-Sharing** - Parking for a car-sharing program (e.g., Zipcar) shall be provided. Car-sharing programs support employees who commute by alternative modes of travel by providing vehicles that can be used for daytime errands or meetings. Employer subsidies of car-sharing fees may be required to be provided by tenants.
16. **Transportation Management Association** - The developer/owner must agree to become a member of any applicable transportation management association that is formed in the future. If a TMA provides management services equivalent to the STC, the TMA could supplant the STC requirement.
17. **Modifications** - The TMP may be subject to modifications based on progress towards goal as measured by regular surveys.
18. **Recording** - The TMP shall be recorded with King County Metro as part of the covenants, conditions and restrictions of the project to assure its implementation. The recording shall be completed prior to receiving the Certificate of Occupancy for the first building. The TMP shall run for the duration of the current use of the building, and shall be binding on the heirs, successors and assignees of the parties.

### **Parking Management Measures**

Parking management measures shall be implemented along with the TMP to ensure that parking is shared among the various land uses, to reduce drive alone commute trips and to prevent parking

from being used by commuters to other businesses or the transit center (also known as “hide and ride”). The following measures shall be implemented:

1. **Parking Manager** – A Parking Manager will be appointed to manage all site parking.
2. **Charge for all daytime parking** - All employees (except those in registered vanpools), visitors, and customers shall be charged for parking except when validated (see following paragraph). The garage shall use technology such as a “pay-on-foot” system through which parking could be paid for before exiting the garage gates. Payment kiosks will be located at garage elevators. The cost for a monthly parking permit shall exceed the cost of a monthly transit pass by at least 25%.
3. **Validate customer and visitor parking** - All tenants may validate parking for their customers or visitors. Employee parking shall not be validated. The Parking Manager may allow each business to establish its own validation requirements (e.g., minimum purchase). Validation could be done electronically through the pay-on-foot technology.
4. **Provide a segmented garage** - Using internal controls, the garage shall be divided into sections that are reserved for specific uses at different times of the day. For example, areas reserved for hotel users could be controlled so that they are not used by office workers during daytime hours.
5. **Reserve areas of the garage for short-term parking by customers and visitors** - Designate 600 to 700 parking spaces for short-term parking only. This parking shall be for customers and visitors. The initial limit will be set to three hours, which is sufficient time for most daytime dining and entertainment users. The short-term parking restrictions could apply only during midday weekday hours when office users are on site.
6. **Reserve parking for hotel** - Reserve 0.56 parking spaces per room for the hotel for customer parking. During peak daytime events, consider using valet parking to increase the number of vehicles that can be parked in this space.
7. **Share office parking on weeknights and weekends** - All parking in the garage, except those reserved for the hotel, shall be available to customers on weeknights and weekends.
8. **Do not reserve individual spaces for office parking** - No parking space in the garage may be reserved, except for car-sharing programs, a hotel, vanpools or carpools. This allows all office parking to be shared by employees.
9. **Monitor garage use** - Monitor the allocation of the parking supply to various users during weekday hours. Adjust allocation or implement additional management measures, if needed.
10. **Manage public parking outside of the parking garage** - The City shall require a parking management program to prevent spillover parking in surrounding neighborhoods. The applicant shall monitor off-site parking as described in the *Monitoring* section below. If

unacceptable off-site parking attributable to the project occurs, the site will be required to implement additional measures outlined in the *Remedy* section.

## Monitoring

**Reports** - Prior to occupancy of the first building, the owner and City of Kirkland shall agree to the STC job description and an annual reporting form that will document the STC's activities and TMP results. At a minimum, the report shall attach materials provided to employees related to transportation programs in that year, document the site's AM peak hour trip generation, as well as the employee travel mode determined from an employee survey. The report should be compatible with the reporting requirements for Commute Trip Reduction (CTR) - affected firms to prevent duplication of effort. The first report shall be due within 12 months of initial occupancy and then repeated annually thereafter.

**Parking Surveys** - The applicant shall perform off-site parking studies for the potential impact area determined by the City, but no more than ½ mile from the site. Monitoring of off site impacts will be done at the following times:

- Before the project is built.
- One year after Phase One of the project is completed.
- At intervals after the first year required by the City.

Measurement of overflow parking in the neighborhoods will include the following steps:

1. Establish acceptable performance measures for the on street parking in the impact area.
2. Inventory the number and type of parking stalls on each block face within the impact area.
3. Survey the parking demand each hour between 10 AM and 7 PM on a weekday. The parking demand divided by the parking supply represents the parking occupancy rate.
4. If the acceptable occupancy rate is exceeded, the owner shall implement one or more measures, at the owner's cost, to reduce spillover parking. Potential measures are listed below.

## Remedy

If the monitoring determines that a remedy is needed, the owner will modify its transportation and parking management plan to reduce trips and parking spillover. The modified plan shall be approved by the City of Kirkland. The following are potential measures that could be included in the plan; additional or alternative measures will also be considered.

- Modify on-site parking management programs to eliminate spillover.
- Increase distribution of transit passes. This may extend to all employees within the site.
- Increase incentives for employees who walk or bike to work.

- Increase incentives for carpools.
- Change the price of parking.
- Modify Phase Two construction to either limit the amount of building space constructed or increase parking for the site.
- Post parking time limits on affected streets.
- Provide off-site parking and shuttle services.

Failure to modify the plan to achieve desired goal could result in the owner being fined by the City of Kirkland. The fine shall be set to match the fine listed in Kirkland Municipal Code Section 7.06.120, Enforcement of the City of Kirkland CTR Ordinance, which is currently \$250 per day.

PUBLICATION SUMMARY  
OF ORDINANCE NO. 4175

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND PLANNING; ESTABLISHING A PLANNED ACTION FOR TWO AREAS IN THE MOSS BAY NEIGHBORHOOD GENERALLY LOCATED EAST OF PETER KIRK PARK, SOUTH OF CENTRAL WAY/NE 85<sup>TH</sup> STREET, WEST OF 10<sup>TH</sup> STREET, AND NORTH OF KIRKLAND WAY PURSUANT TO THE STATE ENVIRONMENTAL POLICY ACT, RCW 43.21C.031.

SECTION 1. Explains purpose of the Planned Action.

SECTION 2. Sets forth City Council findings relative to the Planned Action.

SECTION 3. Outlines procedures and criteria for evaluating and determining projects as Planned Actions.

SECTION 4. Provides that the ordinance and mitigation measures imposed by the ordinance shall control in the event a of conflict with other ordinances and regulations of the City, except in the case of conflicting provisions of the state building code or any development agreement between the City and a Planned Action applicant.

SECTION 5. Provides a severability clause for the ordinance.

SECTION 6. Provides the ordinance shall expire ten years from the date of passage unless extended by the City Council following a report from the SEPA Responsible Official and a public hearing.

SECTION 7. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 16<sup>th</sup> day of December, 2008.

I certify that the foregoing is a summary of Ordinance 4175 approved by the Kirkland City Council for summary publication.

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

## DRAFT RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE CITY OF KIRKLAND DESIGN REVIEW BOARD RELATED TO THE PARKPLACE PROJECT AND EXPRESSING ~~ITS INTENT~~ THAT IN THE EVENT THE DESIGN REVIEW BOARD APPROVES THE PARKPLACE DESIGN APPLICATION, THE DESIGN REVIEW BOARD INTENDS TO SPECIFY A FIVE-YEAR PERIOD TO BEGIN CONSTRUCTION OR SUBMIT A COMPLETE BUILDING PERMIT APPLICATION AND A TEN-YEAR PERIOD FOR SUBSTANTIAL COMPLETION OF CONSTRUCTION UNDER ITS AUTHORITY IN KIRKLAND ZONING CODE 142.55.1 (FILE DRC09-00002).

WHEREAS, under Kirkland Zoning Code (KZC) 142.55.1, unless otherwise specified in the decision granting Design Review Board (DRB) approval, an applicant must begin construction or submit a complete building permit application for the development of the subject property consistent with DRB approval within one year or that decision becomes void; and

WHEREAS, KZC 142.55.1 further provides an applicant must substantially complete construction consistent with the DRB approval, including all conditions listed in the DRB approval decision, within three years after the final decision or the DRB approval becomes void; and

WHEREAS, the Design Review Board has received a request from Touchstone Corporation, the developer of the Parkplace project, to make its ultimate design review action on the Parkplace project effective for a period of ten years; and

WHEREAS, on December 16, 2008, the Kirkland City Council passed Ordinance 4175, a Planned Action Ordinance, which designated the Parkplace project as a planned action and set a ten-year time period during which the planned action designation is valid; and

WHEREAS, given the size of the project, the planned action designation, and the fact that it will be constructed in phases, over a period of years, ~~should the DRB approve the project design,~~ the DRB is supportive of giving the applicant five years from the date of the DRB final decision to begin construction or submit a complete building permit application and ten years to substantially complete construction.

NOW, THEREFORE, BE IT RESOLVED by the Design Review Board of the City of Kirkland as follows:

Section 1. The Design Review Board acknowledges Touchstone's need to have more than one year to begin construction or submit a complete building permit application and more than three years for the substantial completion of the construction of the Parkplace project should it ultimately receive Design Review Board approval of its application as set forth in File DRC09-00002.

Section 2. Since the request for the permit extension is being submitted prior to the Design Review Board making its final decision, the request cannot be granted unless or until the Design Review Board in its final decision grants approval.

Section 3. In the event the Design Review Board approves the Touchstone project application, it is the intent of the Design Review Board to specify a five-year period, after the final decision, within which the applicant must begin construction or

submit a complete building permit application and a ten-year period within which the applicant must substantially complete construction.

Section 4. Nothing in this Resolution shall be construed as granting Touchstone any right to Design Review Board approval of the Touchstone project application or as prejudging the decision of the Design Review Board with respect to the compliance of the Touchstone project application with the applicable Design Guidelines.

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Chair, Design Review Board