



CITY OF KIRKLAND
PLANNING AND BUILDING DEPARTMENT
123 FIFTH AVENUE, KIRKLAND, WA 98033 425.587.3225
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MEMORANDUM

Date: September 24, 2015

To: Kurt Triplett, City Manager

From: Angela Ruggeri, Senior Planner, AICP
Paul Stewart, Deputy Director, AICP
Eric Shields, Director, AICP

Subject: Planning Commission Transmittal Memo Recommending MRM Request and related Comprehensive Plan and Zoning Code Amendments, 2013-2015 Comprehensive Plan Update, File CAM13-00465, #9

I. RECOMMENDATION

Staff recommends that the City Council review and provide direction on the Planning Commission's recommendation for the MRM Request and related Comprehensive Plan and Zoning Code Amendments (see Attachment 1):

II. BACKGROUND DISCUSSION

The Planning Commission held a hearing and deliberated on the MRM Request and related amendments to the Comprehensive Plan and Zoning Code on [June 25, 2015](#).

An open house was held before the hearing.

The Planning Commission had a follow-up meeting on [September 10, 2015](#) to take final action on its Comprehensive Plan Update recommendation, including the MRM Request.

Attachment 1 contains the recommendation of the Planning Commission for the MRM request with 5 Exhibits. The transmittal memo from the Planning Commission includes information about the public outreach for consideration of the MRM request.

III. NEXT STEPS

- **October 20, 2015:** City Council will hold a study session on the Planning Commission's recommendation on the amendments to the Totem Lake Business District, Totem Lake Citizen Amendment Requests and Walen CAR.

- **December 8, 2015**: City Council will take final action on the Comprehensive Plan Update, and map and code amendments.

Attachment:

1. Transmittal Memo for the recommendation on the MRM Request along with 5 exhibits



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MEMORANDUM

Date: September 10, 2015

To: Kirkland City Council

From: Eric Laliberte, Chair, Kirkland Planning Commission

RE: **RECOMMENDATION ON MRM REQUEST, 2013-2015 COMPREHENSIVE PLAN UPDATE, FILE NO. CAM13-00465, #9**

I. RECOMMENDATION

On behalf of the Planning Commission, I am pleased to submit our recommendation on the Comprehensive Plan and Zoning Code amendments relating to the MRM request. The Planning Commission recommends approval of the revisions provided in Exhibits 1 through 4.

A public hearing was held by the Planning Commission on June 25, 2015. The staff report for that meeting is provided [here](#).

A **summary of the recommended key changes** to the Comprehensive Plan and Zoning Code includes:

1. Maintain existing step back requirements from Peter Kirk Park and Kirkland Way.
2. Maintain existing height limit of 67' above ABE (five stories) with two exceptions:
 - Allow five stories of residential over ground floor retail (six stories total, maximum 67') on the MRM site, if the proposed public amenities are provided.
 - Allow five stories of office over ground floor retail (six stories total, maximum 80') on the MRM site, if the proposed public amenities are provided.
3. Clarify landscape category and parking requirements in CBD 5 zoning chart – these are clarification edits only; there is no change to actual requirements (see Exhibit 4).

A. Public Amenities Proposed

The proposed public amenities are required in cases where 6 stories and residential use are allowed on the MRM site. Additional height is also allowed as an incentive for office if the proposed public amenities are provided.

- Easement improvements from Parkplace to Kirkland Way: The Park Promenade along the west side of the Parkplace project would be 54' to 56' wide and include: 12' wide sidewalks with tree wells on both sides, two 11' drive aisles and parking on the east side of the street.

The existing easement on the MRM property is only 20' wide. A requirement for two 11 foot wide drive aisles and two 8 foot wide sidewalks (total 38') is proposed for all new development on the site.

If 6 stories of residential or office are developed on the site, it is proposed that easement improvements at 54' to 56' wide be required to match those required on the Parkplace site for the Park Promenade. This pedestrian and vehicular connection across the MRM site that matches the Parkplace improvements will provide a significantly enhanced connection to Kirkland Way and the Kirkland Performance Center that will not be otherwise available. The width of this easement will be more than double what is there now and the Park Promenade will continue through to Kirkland Way. With proper design, landscaping and wider sidewalks, this will provide an inviting connection to Parkplace.

- Retail on the Ground Floor: Retail is not currently required for CBD 5. Retail use would tie the project into the Parkplace site and continue the pedestrian friendly environment through to Kirkland Way. Retail on the MRM site will activate the Park Promenade and surrounding area.

There will also be a requirement that one retail tenant space have a 9000 square foot minimum size that could potentially be used for a hardware store or drug store.

- Public Plaza: Require a minimum 2000 square foot open public plaza that relates to Kirkland Way, the Performance Center and Peter Kirk Park. The plaza will draw the public into the site; provide a gathering place; and enhance the Park Promenade to Parkplace.
- Public Art: Incorporate public art into the project with a minimum specified value of \$10,000. The art must be reviewed and approved by the Kirkland Cultural Arts Commission.
- Affordable Housing: Require 10% of the housing to be affordable as defined in Chapter 5 of the Zoning Code.
- LEED silver or a comparable standard: Require that the project be built to environmentally responsible standards.

B. Comprehensive Plan Amendments

Comprehensive Plan amendments are necessary for both the additional residential and the additional height of one story that is proposed. The required Comprehensive Plan amendments are included as Exhibit 1-3 to this memo. Proposed amendments are summarized below.

1. *Policy LU – 3.2: Encourage residential development within commercial areas.*
 This policy actually supports residential development in CBD 5, but one sentence in the narrative following the policy states that “Residential use should not displace existing or potential commercial use.”

This sentence was called out in the EIS as an inconsistency with the proposed residential. The sentence has been proposed to be removed as part of the amendments to the Comprehensive Plan Land Use Element to alleviate the inconsistency.

2. *Policy LU – 5.2: Maintain and strengthen existing commercial areas by focusing economic development within them and establishing development guidelines.*

This policy was also called out in the EIS as an inconsistency with the proposed residential use. As part of the proposed amendments to the Comprehensive Plan Land Use Element, the policy is proposed to be amended to read as follows:

“Maintain and strengthen existing commercial and mixed use areas by focusing economic development within them.”

If this change is made, the policy will no longer be inconsistent with the proposed increase in residential use since a reference to “mixed use” has been added.

3. Moss Bay Neighborhood Plan text under East Core Frame states:

“Limited residential use should be allowed as a complementary use.”

The Planning Commission is recommending that the word “limited” be removed from the above statement (see Exhibit 2).

“~~Limited~~ Residential use should be allowed as a complementary use.”

4. The Moss Bay Neighborhood Plan text also limits building heights in Design District 5 (applicable to CBD 5 zoning) and so the following amendments are necessary.
 - Figure MB-7: Downtown Height and Design Districts should say 3 to 6 stories for the MRM site in CBD 5 (see Exhibit 3).
 - Design District 5 – amended to allow 6 stories on MRM site (see Exhibit 3).

C. Zoning Code Amendments (Exhibit 4)

1. ADDITIONAL RESIDENTIAL ALLOWED

The following changes are proposed to the existing zoning for CBD 5 for the MRM property, but not the entire study area.

Existing zoning (Allowed Uses): Office; Restaurant or Tavern; Entertainment, Cultural and/or Cultural Recreational Facility; Hotel or Motel; Retail; Church; School or Daycare; Public Utility, Government Facility, or Community Facility; Park; Assisted Living (in specific areas); and multifamily residential (in specific areas).

Retail on the ground floor is not required.

Existing zoning allows assisted living or multifamily residential only in the following locations:

- On properties with frontage on Second Avenue
- Within 170 feet of Peter Kirk Park provided that the gross floor area of this use does not exceed 12.5% of the total gross floor area for the subject property.

Recommendation:

- a. Allow additional residential uses at the MRM property if the proposed public amenities are provided;
- b. Continue to allow all other uses already listed, including office.

2. ADDITIONAL ONE STORY OF HEIGHT

The following changes are proposed to the existing zoning for CBD 5 for the MRM site only.

Existing zoning (Allowed Height): Maximum height allowed: 67' above average building elevation (ABE).

Recommendation:

- a. Maintain existing step back requirements from Peter Kirk Park and Kirkland Way that are in existing Zoning.
 - No portion of a structure above the elevation of Kirkland Way as measured at the midpoint of the frontage of the subject property on Kirkland Way may exceed the following:
 - Within 20' of Kirkland Way, 2 stories;
 - Within 40' of Kirkland Way, 4 stories;
 - Within 50' of Kirkland Way, 5 stories.

- No portion of a structure within 100 feet of Peter Kirk Park shall exceed three stories above average building elevation.
- b. Maintain existing height limit of 67' above ABE (five stories) with two exceptions:
- Allow five stories of residential over ground floor retail (six stories total, maximum 67') on the MRM site, if the proposed public amenities are provided.
 - Allow five stories of office over ground floor retail (six stories total, maximum 80') on the MRM site, if the proposed public amenities are provided.
3. EASEMENT IMPROVEMENTS FROM PARKPLACE TO KIRKLAND WAY
 The existing easement on the MRM property is only 20' wide. A requirement for two 11 foot wide drive aisles and two 8 foot wide sidewalks (total 38') is proposed for all new development on the site.
4. LANDSCAPE CATEGORY AND PARKING CLARIFICATION FOR CBD 5
 This is a housekeeping item to clarify landscape category and parking requirements in the CBD 5 zoning chart –no changes to actual requirements are made.

II. RESPONSE TO COMMENTS FROM CITY COUNCIL BRIEFINGS

At the June 2, 2015 City Council briefing on the MRM proposal, the following questions were asked.

1. *Are there other sites in the downtown area where office development could potentially occur?*

Maps with potential office redevelopment sites were included in the Planning Commission memo for the public hearing on June 25, 2015 as Attachment 5 and can be found [here](#).

2. *Staff was asked to provide information on the effect of the MRM proposal on the City's ability to meet employment growth targets and the ability of Downtown Kirkland to qualify as an urban center.*

A memo from the Planning Director, Eric Shields responding to these questions can also be found at the above link as Attachment 6.

III. CRITERIA FOR AMENDING COMPREHENSIVE PLAN AND ZONING TEXT

The Zoning Code (KZC 140) contains criteria for amending the Comprehensive Plan (including Neighborhood Plans) which are described below.

1. The amendment must be consistent with the Growth Management Act.
2. The amendment must be consistent with the countywide planning policies.

3. The amendment must not be in conflict with other goals, policies, and provisions of the Kirkland Comprehensive Plan.
4. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.

The Zoning Code (KZC 135) contains three criteria for considering these amendments to the text of the Zoning Code. The list of criteria is provided below:

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and
2. The proposed amendment bears a substantial relation to public health, safety, or welfare; and
3. The proposed amendment is in the best interest of the residents of Kirkland.

Evaluation of Criteria

The Planning Commission has been studying this site in depth since 2011. We have weighed all of the public testimony and staff analysis and have given this careful and thoughtful consideration throughout the process. Over the course of the review, the Commission discussed a number of issues with the amendments. As a result, we believe the proposed amendments with the prescribed public benefits addressed those issues to our satisfaction. Therefore, the Planning Commission recommends approval for the following reasons:

- The proposal would allow for redevelopment of the site.
- There have been changes since the Comprehensive Plan envisioned CBD 5 as the office center for downtown Kirkland. These changes include:
 - Expansion of light rail through Bellevue
 - Rezone of the Bel Red Corridor
 - Rezone of the Spring District in Bellevue
 - Redevelopment of Group Health Hospital in Redmond
 - Proposed redevelopment of Parkplace in Kirkland
 - Google development in Kirkland

Bellevue is now a driver on the Eastside and has a considerable amount of office available. The Planning Commission is concerned that the site will sit underdeveloped for many years to come if existing Zoning and Comprehensive Plan direction remains. The Planning Commission wants to see downtown Kirkland blossom and Parkplace develop fully. The connector from Central Way to Kirkland Way and other benefits that will be required will contribute to this success. In addition, the proposed amendments do not preclude an office use – and actually provide a height incentive for an office project.

The Supplemental Environmental Impact Statement (SEIS) concluded that the amendments are consistent with the Growth Management Act and the Countywide Planning Policies. The amendments are also consistent with the Comprehensive Plan with the exception of those specific provisions proposed to be amended in the Land Use Element and the Moss Bay Neighborhood Plan, which relate to the residential and additional story on the MRM property.

Comprehensive Plan Policies that support this proposal include:

Policy LU-3.2: Encourage residential development within commercial areas.

Policy LU-4.2: Locate the densest residential areas close to shops and services and transportation hubs.

Policy LU-5.1: Reflect the following principles in development standards and land use plans for commercial areas:

Urban Design

- *Create lively and attractive districts with a human scale.*
- *Support a mix of retail, office, and residential uses in multistory structures...*

Policy LU-5.3: Maintain and enhance Kirkland's Central Business District (CBD) as a regional Activity Area, reflecting the following principles in development standards and land use plans:

- *Create a compact area to support a transit center and promote pedestrian activity.*
- *Promote a mix of uses, including retail, office and housing.*
- *Encourage uses that will provide both daytime and evening activities.*
- *Support civic, cultural, and entertainment activities...*

The applicant's proposal, which includes public amenities that are unique to this location, provides a compelling reason to allow 6 stories and additional residential use on the MRM site. Without the amendments, many of these public amenities which result in long term benefits to the community as a whole and are in the best interest of the community and the residents of Kirkland, will be lost. The proposed amendments bear substantial relation to public health, safety and welfare of the citizens of Kirkland as shown below.

- The Park Promenade and the public plaza will provide an enhanced connection to Parkplace, Peter Kirk Park and the Performance Center.
- The combination of the required retail on the ground floor, the Park Promenade and the public plaza will activate the area between Parkplace and Kirkland Way.
- The retail will enhance downtown vibrancy and provide the City with an additional fiscal benefit.
- The current 67' height limit combined with proposed retail and residential uses will provide a transition between Parkplace and the existing multifamily residential on the south side of Kirkland Way.
- The amendments still allow and will provide an incentive for office.
- The City will gain additional affordable housing in the downtown and promote green building.

- These changes will result in more opportunity for redevelopment of this site and do not preclude the economic use of the property.

Staff evaluation of criteria for the amendment request was included in the public hearing memorandum for the MRM request.

IV. PUBLIC NOTICE AND OPPORTUNITIES FOR PUBLIC COMMENT

Notice was sent about the public hearing and open house held on June 25, 2015, to the MRM mailing list (property owners and residents within the study area and 300' feet surrounding the area), the extensive Kirkland 2035 listserv, and the neighborhood associations. Public notice signs were installed surrounding the study area.

The [*City Update Newsletter*](#) mailed to all businesses and residents provided information on the Comprehensive Plan Update throughout the process, including the [June 2015 Special Edition](#) that was dedicated completely to the draft plan and upcoming public hearings and open houses.

V. PUBLIC COMMENTS RECEIVED

A comment log summarizing all comments received to date is provided in Exhibit 5. The Planning Commission reviewed these comments when considering the MRM request. Copies of the comments are available in the City official file, CAM13-00465, #10

Exhibits:

1. [Land Use Element of the Comprehensive Plan](#)
2. [Moss Bay Element – East Core Frame](#)
3. [Moss Bay Element – Height references](#)
4. [Zoning Code Amendments](#)
5. [Comment log summarizing the written comments](#)