



CITY OF KIRKLAND

Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
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MEMORANDUM

To: Planning Commission

From: Angela Ruggeri, AICP, Senior Planner

Date: November 6, 2008

Subject: TOUCHSTONE (PARKPLACE) PRIVATE AMENDMENT REQUEST (PAR)
FILE NO. ZON07-00016

RECOMMENDATION

Make recommendation to City Council on Touchstone (Parkplace) PAR for consideration at December Council meetings.

BACKGROUND DISCUSSION

****Please bring your packets from the public hearing on 10/23/08 to this meeting.****

The Planning Commission took public comment on the Touchstone (Parkplace) PAR at the public hearing on 10/23/08. The verbal portion of the hearing was closed that night, but written comments were accepted through Wednesday, 11/5/08. It was determined that the Planning Commission would deliberate at the meeting on 11/13/08. In order for the Planning Commission's recommendation on Park Place to be reviewed by the City Council in December, it will be necessary for the Commission to complete their recommendation at the meeting on 11/13/08. If the recommendation is completed on 11/13/08, the Council will hold a study session on the Touchstone (Parkplace), Orni and Altom PARs on 12/2/08 and will consider adoption on 12/16/08.

A number of issues regarding the Touchstone proposal were raised during the public hearing. Staff has addressed many of these below. Please see Attachments 1 and 2 which include the applicant's response to some of these issues and also Attachments 3 through 5 addressing the opponents' concerns.

Additional correspondence that has been received since the hearing has been forwarded to the Planning Commission by e-mail.

General Questions

- Does this proposal constitute spot zoning?

Staff has checked with the City Attorney and we have concluded that this PAR does not constitute spot zoning. The basic definition of spot zoning in Washington was outlined in [*Narrowsview Preservation Association v. City of Tacoma*](#), 84 Wn.2d 416 (1974), in which the court said:

We have recently stated that illegal spot zoning is arbitrary and unreasonable zoning action by which a smaller area is singled out of a larger area or district and specially zoned for use classification totally different from and inconsistent with the classification of the surrounding land, not in accordance with a comprehensive plan.

The proposed Touchstone property rezone would allow a mix of uses which is the same as those allowed for the properties in the existing CBD 5 zone. It is not being singled out and being specially zoned for a use classification that is totally different from the surrounding area.

The designation of the CBD 5A zone was determined by the common ownership of the large parcel that is included in the PAR. It is standard practice for the City to keep parcels under common ownership in the same zone. The PAR is also topographically distinct based on previous excavation to a level that is generally lower than Central Way and abutting properties to the south and east. The PAR property has frontage on Central Way, with the entire property accessing from Central Way and 6th Street. Revised wording has been included in the Comprehensive Plan that makes these facts more clear (see Attachment 6).

There has been some thought by the Planning Commission of studying the remainder of the CBD 5 area in 2009. This should be considered as part of the Planning Work Program discussion for 2009.

- Is the 5 story option vested?

The City Attorney's office has taken the position that the 5 story office proposal was vested as to use with the applicant's short plat application for the property (see Attachment 7). This means that future changes to the existing CBD 5 zoning that would require retail for all projects would not apply to the Touchstone office proposal.

- Does over 15% view blockage constitute a taking?

The City Attorney's office could find no authority for this proposition. The private view blockage referred to by Mr. Thorpe in his testimony at the public hearing would not be considered a taking.

- What is the merit of petitions?

Staff does not validate petitions or any of the information submitted in writing or orally. The number of petition signers has no specific weight in the decision making process, other than what the Planning Commission and City Council may choose to give it in relation to other factors such as letters, e-mails, and public testimony.

- Where is Touchstone's 5 story office only proposal in the process?

Touchstone continues to work on its 5 story office proposal. The proposal will be going to a second Design Response Conference with the Design Review Board in December.

- Are parking and traffic mitigations adequate?

The FEIS states that "Implementation of the FEIS Review, Proposed Action, or the No Action alternatives will result in increased traffic volumes and congestion in the City. Although the effects of additional vehicles on traffic congestion can be mitigated to varying degrees through the proposed transportation improvements, the actual increase in traffic volume may be considered a significant unavoidable adverse impact." Basically, there will be traffic impacts under all proposals. The FEIS Review alternative (the Planning Commission's preferred alternative) will require additional capacity improvements as well as Transportation Demand Management in the Planned Action Ordinance in order to address these impacts.

The Transportation Commission, Parking Advisory Board and City staff have agreed with these mitigations. The Planning Commission also reviewed the parking and traffic mitigations at a previous meeting and found them acceptable.

The Parking Advisory Board reviewed the latest draft of the Transportation and Parking Management Plan that was included in the Final Environmental Impact Statement at its 11/6/08 meeting. The Board gave its support to the plan with one adjustment to the employee transportation allowance. This adjustment requires an employee transportation allowance that can be used for parking or transit, or can be received as cash if the employee uses an alternative mode of transportation (such as walking or riding a bike).

- Will requirements for open space, terraces, and green buildings be maintained if the property owner changes?

The Zoning, Master Plan and Design Guidelines provide the basis for requiring the open space, terraces and green buildings. These requirements will remain in place if ownership of the property changes and there is a new applicant.

- Will the Design Review Board have control over major modulation of buildings?

Yes, see Attachment 8, Page 20 of the Design Guidelines that will be used as a basis for review by the Design Review Board.

Policy issues the Planning Commission wanted to discuss further

- Sustainability

Staff and Touchstone have worked closely over the past several weeks to explore opportunities to create a truly sustainable project. Touchstone retained sustainability consultants and the City used Green Team members from the Planning, Building, and Public Works Departments. The LEED program was agreed to as the appropriate metric for project sustainability and the focus for greatest impact has been on the core and shell (CS) of the project. The challenge was to see how feasible it would be for the project to achieve a high LEED rating. Consideration was given to the fact that the site and buildings are still at a pre-design stage. Many of the points in the LEED system are based on project specifics such as materials and mechanical systems. Despite this challenge, staff and Touchstone worked through the LEED checklists and arrived at the LEED-CS Gold threshold for the project. It should be understood that this is an aggressive commitment on the part of Touchstone, requiring a significant commitment to making all aspects of project design sustainable (see Attachment 8, Page 6).

Is the Planning Commission comfortable with this direction?

- Height expressed in both feet and number of stories

The applicant's proposal includes 18 feet for retail stories and 13 to 14 feet for office stories. There was concern expressed at the public hearing with the height limits for the various height zones. It was said that the applicant could potentially get more than the maximum stories asked for within those heights. Staff has revised the height charts to include a limit in both feet and number of stories to respond to this concern (see Attachment 9).

Is the Planning Commission comfortable with this direction?

- Size of the "typewriter" building

There has been concern expressed about the size of the building at the southern portion of the site (referred to as the "typewriter" building). The applicant has informed staff that the model shown at the public hearing was not correct for this building. They are proposing modulation of the eastern portion of the building that was not shown (see Attachment 10 for photos of the building model with the modulation). The Design Guidelines do not require this specific treatment to this building, but do address building modulation in general (see Attachment 8, Page 20).

There are additional ways that the Planning Commission can mitigate the building. However, they will all require a reduction in square footage and Touchstone has expressed their concern with the idea of removing floor area from the project.

- The building could be required to step back from the south to the north.
 - The height could be reduced.
 - The building could be divided into two buildings.
- Lack of setback from 6th Avenue

The Planning Commission may wish to discuss an additional setback requirement from 6th Street. One way to handle this is to require a landscaped setback or upper story step backs if pedestrian oriented uses are not provided along 6th Street.

Project Impacts vs. Benefits

- Planning Commission transmittal on rationale for the recommendations

The Planning Commission Chair, Byron Katsuyama has a draft explanation of the Commission's recommendation on the Touchstone PAR. This explanation would be incorporated into the Planning Commission's transmittal memo to the City Council (see Attachment 11). The Planning Commission should review and edit this draft so that it adequately expresses your recommendations.

An outline of what will be addressed in the PC recommendation memo to the City Council can be seen in Attachment 12.

- Private amendment request criteria

The private amendment request criteria found in the Zoning Code that must be considered when reviewing a private amendment request will also be transmitted to the City Council at their study session on December 2, 2008. This criteria and staff's response is outlined below.

- A. Factors for Consideration:** KCZ 140.25 establishes that the City must take into consideration, but is not limited to, certain factors when considering a Comprehensive Plan Amendment. Below is a list of the criteria followed by staff analysis.

1. *The effect upon the physical, natural, economic, and/or social environment.*

The effects of the proposed amendment have been reviewed in detail by the Draft and Final Environmental Impact Statement (EIS) and have been considered in the drafting of the proposed amendment.

2. *The compatibility with and impact on adjacent land uses and surrounding neighborhoods.*

The proposed amendments have been reviewed in the EIS for compatibility with and impact on adjacent uses and surrounding neighborhoods and mitigations have been identified where incompatibilities or significant impacts were identified.

3. *The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation and schools.*

Existing public facilities and services have been evaluated in the EIS and with the mitigating measures identified in the Planned Action Ordinance the public facilities and services are adequate to accommodate the proposed amendment.

4. *The quantity and location of land planned for the proposed land use type and density.*

The proposal is located in an area designated in the Comprehensive Plan as an Activity Area. The Activity Area is planned for high density uses with an emphasis on commercial uses surrounded by high density.

5. *The effect upon other aspects of the Comprehensive Plan.*

The proposed amendment has been reviewed in the EIS for consistency with other aspects of the Comprehensive Plan.

B. Criteria for Amending the Comprehensive Plan: KZC 140.30 establishes the criteria for evaluating a Comprehensive Plan Amendment. These criteria and the relationship of the proposal to them are as follows:

1. *The amendments must be consistent with the Growth Management Act.*

The amendment is consistent with the Growth Management Act, including the following planning goals (RCW 36.70A.020):

- Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner. *Locating an employment base and a concentration of retail in Kirkland's Central Business District is consistent with this planning goal. The EIS evaluates adequacy of public services and facilities to serve the potential development and concludes that they are adequate.*
- Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development. *The*

Parkplace site presents an urban infill opportunity that can concentrate jobs and retail in an appropriate urban environment within a designated urban growth area.

- **Transportation.** Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans. *The Parkplace site is within walking and distance of the existing and soon to be improved Downtown Transit Center and an existing concentration of downtown shops and services. The proposal includes transportation demand management measures to reduce SOV use as addressed in the EIS.*
- **Economic development.** Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities. *The proposal presents a substantial economic development opportunity for the City of Kirkland in an area that has public services and public facilities to accommodate that development (see EIS).*
- **Environment.** Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water. *The draft Comprehensive Plan language encourages aggressive sustainability measures including green building, low impact development, deconstruction, and transportation demand management.*
- **Citizen participation and coordination.** Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts. *To date, the proposal has undergone 16 months of intensive public process in community meetings, open houses, DRB review, City Council meetings, Planning Commission public meetings and public hearings.*
- **Public facilities and services.** Ensure that those public facilities and services necessary to support development shall be adequate

to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards. *The proposal has been reviewed through the EIS for adequacy of facilities and services to support the development. With identified mitigations, the development would meet Kirkland's levels of service.*

2. *The amendments must be consistent with the Countywide Planning Policies.*

The amendment is consistent with the Countywide Planning Policies. Kirkland is within a designated urban growth area. The Policies state that land within Urban Growth Areas shall be characterized by urban development (LU-26). Downtown Kirkland is designated as an Activity Area in Kirkland's Comprehensive Plan consistent with the Countywide Planning Policies (FW-17). Policies encourage infill development that enhance community character and include a mix of uses (LU-69) and support open space and neighborhood commercial land uses within office rather than single purpose office parks (LU-74). Policies encourage urban areas characterized by superior urban design as defined locally (FW-25). Economic development policies encourage the retention and expansion of the economic base and a business climate that is supportive of business formation, expansion, and retention (ED-6).

3. *The amendments must not be in conflict with other goals, policies, and provisions of the Kirkland Comprehensive Plan.*

The amendment has been reviewed for consistency with the Kirkland Comprehensive Plan. The amendment is generally consistent with Downtown Plan policies encouraging high density employment and commercial use in CBD 5. With the mitigation measures identified in the EIS and Planned Action Ordinance the amendments would not be in conflict with the Comprehensive Plan.

4. *The amendments will result in long-term benefits to the community as a whole, and is in the best interest of the community.*

If the request is approved, the amendments will provide the long-term community benefit of establishing a significant employment base in downtown Kirkland and an opportunity to maintain the community-oriented aspects of the current Parkplace site as a local retail destination enhanced with improved public gathering spaces. Office development in this area meets the objective of the Downtown Plan by providing a significant increase in office square footage adjacent to the core area as a way to enhance the core area for retail and service businesses (page XD.D-4). The mixed use approach to the amendments also allows

mutually supportive land uses on the same site and opportunities for shared parking. As noted in the Economic Development Chapter of the Comprehensive Plan,

“Mixed use development, when combined with multi-story structures, promotes a more compact and sustainable land use pattern and encourages walking and transit use to reduce dependence on automobiles.” (page VIII-10)

The amendments do involve additional mass and scale of buildings to accommodate the proposed density and mix of uses and the issue of scale has been a consistent community interest in the public process to date. The Community Character and Economic Development Chapters of the Comprehensive Plan acknowledge the need to balance growth and change with protection of community character. This balancing of community interests to create long-term benefits to the community as a whole is reflected in the proposed amendments, which allow taller buildings in conjunction with community amenities, sustainability measures, and design standards.

Additional assessment of community interests is located in Section C of this report.

C. Criteria for Rezone: KZC 130.20 establishes the criteria by which a legislative rezone must be evaluated. These criteria and the relationship of the proposal to them are as follows:

1. *Conditions have substantially changed since the property was given its present zoning or the proposal implements the policies of the Comprehensive Plan; and*

The current CBD 5 zoning and the Comprehensive Plan policy basis were established in the late 1980's and early 1990's. Conditions have changed substantially since the zoning was established, with adoption of the Growth Management Act, significant development in the CBD, and a greater City and regional focus on urban infill development and transit-oriented development. In addition, the rezone would implement the proposed policies of the Comprehensive Plan currently under consideration.

2. *The proposal bears a substantial relationship to the public health, safety, or welfare; and*

Much of the public comment around the proposal has focused on areas of character, traffic, retail importance, parking, views, setbacks, job growth, and open space. A review of those public welfare issues follows:

- **Character:** The character of the area will change with redevelopment of the Parkplace center under the existing five story zoning or the proposed eight story zoning. The draft codes, policies, and guidelines do include measures that seek to balance this additional development intensity with new requirements to protect Kirkland's unique character.
- **Traffic:** Traffic impacts have been identified and evaluated against City standards in the EIS and appropriate mitigating measures incorporated.
- **Retail:** Many comments have identified the importance of preserving the retail components of the existing Parkplace center; however, retail is not a required component of redevelopment under the existing zoning for the area. The proposed rezone would require a substantial retail component in any mixed use development. In addition, the Master Plan establishes guidance for community serving retail such as grocery and theater uses within a redevelopment.
- **Parking:** Parking for the preferred alternative has been evaluated thoroughly through the EIS. The proposed zoning text includes base parking requirements but allows shared use to make more efficient use of the parking. Working in tandem with proposed transportation demand management measure to reduce vehicle trip, the zoning also allows parking reductions to be considered based on a parking and transportation management programs.
- **Views:** Views have been considered and evaluated in the EIS and during the policy discussions with the Planning Commission. It should be noted that Kirkland's Comprehensive Plan specifically notes that the City does not protect private views (page IV-10) but does protect public scenic views and view corridors. Existing and potential views from 6th Street and Central Way across the Parkplace site were evaluated and determined to be negligible currently and likely eliminated with any redevelopment of the area. The more significant view of the water and mountains as one drives from I 405 down 85th Street were also evaluated and found to be largely unaffected by the proposed rezone.
- **Setbacks:** While the initial PAR requested elimination of setback requirements, the proposed zoning would reduce setback to 0' on Central Way and 6th Street but would increase setbacks along the

Park from 0' to 55' and increases setbacks from adjoining properties to the south and east from 0' to 20'.

- **Jobs:** Significant job growth may occur under any redevelopment of the area. Touchstone has submitted an alternative proposal for design review that would include a similar square footage of office use but would not include the mixed use components such as retail that are envisioned under the rezone.
- **Open space:** The policy basis for the rezone and additional height as established in the draft Comprehensive Plan amendments is to provide an incentive to the create a network of public open space around which is organized a dynamic retail destination. The proposed rezone and supporting documents would create such an incentive and establish clear requirement.

Based on the mitigations incorporated into the Planned Action Ordinance, the restrictions and requirements incorporated into the CBD 5A zone, and the development requirements included in the Master Plan and Design Guidelines, the proposed rezone does bear a substantial relationship to the public welfare. As reviewed in the EIS, there are no significant adverse impacts identified to public health or safety.

3. *The proposal is in the best interest of the community of Kirkland.*

There is clearly a diversity of community opinion around whether the proposed rezone is in the best interests of the community. The proposed rezone does provide a significant opportunity for the community to create a strong employment base in the downtown activity area and derive the economic development benefits that accompany that base. The proposed rezone provides an opportunity to rewrite the rules for redevelopment of the area to require the retail and open space amenities that the community has identified as valuable. As noted above, the proposed rezone has sought to identify the interests of the community and address them in a substantive way.

ORNI PRIVATE AMENDMENT REQUEST

The Planning Commission completed their recommendation to the City Council on the Orni and Altom PARs at the 10/22/08 Planning Commission meeting. A report similar to the one outlined in Attachment 12 will also be forwarded to the City Council for these two PARs.

The applicant for the Orni PAR and the adjoining condominium owners to the east have been negotiating a different alternative to present to the Planning Commission for the Commission's consideration. They did not have the agreement completed at the time of this memo, but will get it

to the Commission as soon as possible and hope to have it considered at the November 13th meeting.

ATTACHMENTS

1. Letter from Douglas Howe dated 11/3/08
2. Letter from G. Richard Hill dated 11/4/08
3. Letter from Kirkland Citizens for Responsible Development dated 11/4/08
4. Letter from Steve Silva and Kenneth Davidson dated 11/5/08
5. Letter from Ken Davidson dated 11/5/08
6. Revised Comprehensive Plan wording
7. Memo from Oskar Rey, Assistant City Attorney dated 7/10/08
8. Master Plan and Design Guideline adjustments
9. Revised height plate
10. Photos of the "typewriter" building model
11. Byron Katsuyama's draft wording for recommendation to City Council
12. Outline of Planning Commission recommendation memo to City Council

Cc: Douglas Howe, 2025 1st Avenue, Suite 790, Seattle, WA 98121
File ZON07-00016



TOUCHSTONE CORPORATION

November 3, 2008

City of Kirkland
Attention: Planning Commission
123 Fifth Avenue
Kirkland, WA 98033

Re. Program Requirements at Parkplace

Commissioners:

Well over a year ago, when Touchstone purchased Parkplace, we were clear that there were two options to develop the site:

The first conforms with the existing zoning and results in 1.2M SF of office once both phases are fully developed.

Based on encouragement from the City, we pursued an alternate plan that required a Comprehensive Plan amendment and a Zoning change. This plan would still have 1.2M SF of office, but includes many public benefits such as active open space, meeting and event space, rooftop terraces, public art and retail.

While the retail provides additional revenue, it is difficult to stabilize, with high Tenant Improvement costs and high risk in the first few years. The mixed use plan also has substantially higher investments in the public realm, art and other amenities that are necessary to make it a successful community hub.

Some opponents of the 8-story mixed use plan have tried to suggest that there is a "middle ground" that includes mixed-use and smaller buildings. We have been clear through the last year that there is not such an option that is financeable within the global capital markets, where capital flows are governed by acceptable risk-return tradeoffs. Our investment partners have a fiduciary duty to their pension fund investors to weigh this risk-return against other options, and recent events in the capital markets have led to an even more conservative—rather than more liberal—approach.

Over the last 18 months we, along with many citizens and elected officials, have participated in over 30 public meetings and open houses. We have logged countless hours in meetings with our architects, planners, landscape architects, nationally recognized-consultants, the DRB, the Planning Commission, and City Staff as we have worked together in molding and shaping this project. We have a great project within

Program Requirements at Park Place

reach that has included many tradeoffs and is a well crafted compromise. In the on-going dialogue with the community and the Planning Commission, we have continued to work together to find solutions to concerns about the project. The result is a series of zoning regulations, a master plan and a set of design guidelines which have enhanced the public benefits by placing various limitations on the development.

However, we cannot compromise the program at the 11th hour. We need the 1.8M SF or the whole mixed-use project will be lost and all of our work will be for naught.

We once again thank the Planning Commission and the City for their continued hard work and effort in reviewing Touchstone's Private Amendment Request for Kirkland Parkplace. We look forward to working with you in the finalization of the Planned Action Ordinance and in our combined vision for Kirkland Parkplace and the City of Kirkland.

Sincerely,



Douglas Howe
President

McCULLOUGH HILL, PS

November 4, 2008

Planning Commission
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033

Re: Touchstone Park Place Proposal

Dear Commissioners:

This is on behalf of Touchstone. We understand two questions have arisen with respect to the Park Place proposal. This letter addresses each of the two questions.

1. Is the Park Place Proposal a “Spot Zone”?

Clearly, the City’s approval of the Park Place proposal will not constitute a “spot zone.” The most recent Washington reported case to address the issue of a “spot zone” is *Henderson v. Kittitas County*, 124 Wn. App. 747, 757-758 (2004). The Court held that “spot zoning is an action by which an area is carved out of a larger area and specially zoned for a use totally different from and inconsistent with, the surrounding land and not in conformance with the comprehensive plan.”

The Park Place proposal meets neither of the criteria for a “spot zone.” First, the Park Place property is not proposed for a use “totally different from and inconsistent with the surrounding land.” To the contrary, the surrounding land is developed with office and retail uses. The Park Place proposal envisions office and retail uses. Far from being “totally different from and inconsistent,” the proposed uses are *identical* with the surrounding land.

Second, the Park Place proposal will be in conformance with the comprehensive plan. Indeed, a plan amendment that will render the proposal consistent with the plan is part and parcel of the proposal. Unless the amendment is adopted, the proposal will not go forward.

The Park Place proposal will include uses identical with those extant on the surrounding land. The Park Place proposal will be consistent with the comprehensive plan. Accordingly, the Park Place proposal is not a “spot zone.”

2. Does View Blockage Constitute a Taking?

This specific issue was addressed recently in *Pierce v. Northeast Lake Washington Sewer and Water District*, 123 Wn.2d 550, 870 P.2d 305 (1994). In that case, a water district constructed a sewer tank

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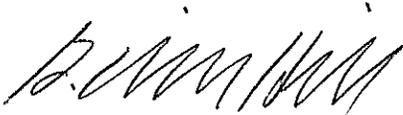
that interfered with neighboring views of Mount Rainier, the Cascades, and Lake Washington. The neighbors sued, contending that the water district had "taken" their property and that accordingly they were entitled to damages.

The Washington Supreme Court unanimously rejected the claim, holding that "the Petitioners do not have a cause of action for inverse condemnation [taking] based on their claimed 'right to a view.'" The Court cited with approval the holding of the California Supreme Court that states: "As a general rule, a landowner has no natural right to air, light or an unobstructed view and the law is reluctant to imply such a right."

Accordingly, neighboring property owners have no "right to a view." Having no "right to a view," the impairment of a view will not serve as the basis for a "taking" or claim for damages.

It is hoped this brief statement of the applicable law is helpful to you in your deliberations. Please let me or any Touchstone representative know if we can provide any further assistance or if you have any additional questions.

Sincerely,



G. Richard Hill
GRH:lde

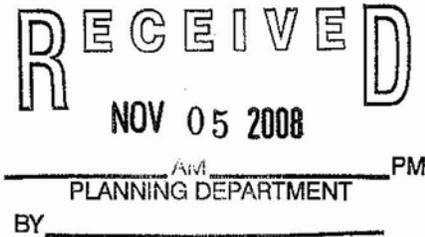
cc: A.P. Hurd
Angela Ruggieri
Robin Jenkinson

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KIRKLAND CITIZENS FOR RESPONSIBLE DEVELOPMENT

November 4, 2008

Kirkland Planning Commission
 City of Kirkland
 123 - 5th Avenue
 Kirkland, WA 98033



Re: Parkplace PAR
 Parking Issues

Dear Planning Commission Members:

We deliver for your review the attached letter from Robert Bernstein, an independent traffic engineer, who provides you with the only empirical data concerning parking demand in CBD 5. In May, Mr. Bernstein provided you his criticism of the developer's parking study appended to the DEIS, both by his letter dated May 16, 2008 and his testimony before you. He criticized the misuse of data from the ITE Parking Generation Manual in Touchstone's parking study. He further stated that a local jurisdiction's parking code should be presumed to reflect the parking demands of the jurisdiction and should only be modified based on a study using data from the jurisdiction. Since Touchstone has provided no local data, we asked Mr. Bernstein to conduct a study of parking demand in and around Parkplace. His study shows that current demand for office parking is greater than the City's code requirement of 2.86 stalls per thousand. Given this demand, the dramatic reduction in parking proposed by Touchstone would create serious parking problems in the downtown and adjoining neighborhoods.

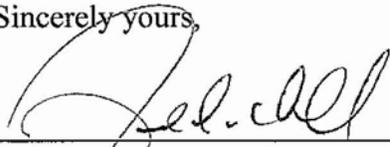
Comments of David Hill. Mr. Bernstein studied the parking demand at the Bungie Studio offices immediately next to Parkplace and found a parking demand of nearly 4 parking stalls per thousand square feet of office. I work in the high tech industry and find the demand of Bungie to be typical of parking demand for high tech businesses located on the Eastside. The work schedules and habits of those working in the software industry result in a high level of use of single occupant vehicles to commute to work. In addition, people spend long hours and are not typical 9 a.m. - 5 p.m. workers/commuters. A company like Microsoft spends considerable resources to provide its employee's with alternative means to commute to work. Nevertheless, its parking lots are jammed to capacity, and through the years it has had to resort to valet parking in order to accommodate parking demand. Touchstone's parking proposal to provide 2.1 parking stalls per thousand square feet of office space will be woefully inadequate for the high tech firms it claims it will seek for its office redevelopment. Its request for a 30% reduction in parking code requirements will create a serious parking problem in downtown Kirkland and adjoining neighborhoods.

As one who lives in an adjoining neighborhood, I feel that my neighbors and I should not pay the price for any failure of a Parkplace redevelopment to provide adequate parking. Neighborhoods will either lose their existing on-street parking to the overflow parking from Parkplace or will be saddled with the inconvenience of obtaining and handing out parking permits to our guests.

Comments of Ken Davidson. For the last 18 years, I have been involved in the ownership and management of office buildings on the Eastside and am currently involved in managing 3 office buildings. I also negotiate and review office leases for clients. It is my experience and the experience of all of the office brokers with whom I have spoken that Eastside office tenants need and expect parking for their employees and guests in the range of 3 stalls per thousand to 4 stalls per thousand, depending on the type of business. For example, computer software and game companies, mortgage companies and call centers tend to require closer to 4 parking stalls per thousand square feet, while some professional firms and sales offices will require a little over 3 stalls per thousand square feet. Mr. Bernstein's finding that the existing general office uses in Parkplace are demanding slightly over 3 parking stalls per thousand square feet is consistent with the parking demands in the Eastside's suburban market. To meet the demand for the Eastside market, Parkplace would need to provide between 3,600 and 4,800 parking stalls just for the 1.2 million square feet of office space it is proposing. Since it is proposing to build only 3,600 parking stalls, office use will consume all of the parking on the site during the weekday, and there will be no shared parking available for the other 600,000 square feet of retail restaurant, hotel and sport club tenants. If the redeveloped Parkplace does not have adequate parking, the tenants in nearby buildings will incur a significant new cost in hiring parking monitors to prevent the overflow parking from Parkplace from crowding out their parking.

Conclusion. Mr. Bernstein's study and our experience in the high tech industry and Eastside office market support the proposition that local market parking demand is in the 3 to 4 parking stalls per thousand square feet of office space and that Kirkland's office code of 2.86 parking stalls per thousand sets a bare minimum parking requirement reflective of local demand. Touchstone's proposal for a 30% reduction in the parking requirements will set up a major parking shortfall, which will be damaging to local businesses and residents. Developers should not be permitted to reduce the parking requirements without clear and convincing data on local demand. We request that you include in your recommendation to the City Council, a requirement that any reduction in the parking requirement for Parkplace be based on Kirkland data on parking demands in downtown Kirkland and that it be subject to review by the City Council.

Sincerely yours,



 David Hill
 Steering Committee Member



 Kenneth H. Davidson
 Steering Committee Member

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Enclosure

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ROBERT BERNSTEIN, P.E.
Consulting Transportation Engineer/Planner

October 30, 2008

Citizens for Responsible Development
Steering Committee
PO Box 817
Kirkland, WA 98083-0817

SUBJECT: Office Parking Demand at the Park Place Development in Downtown Kirkland, WA

Dear Steering Committee Members,

As stated in my May 16, 2008, letter to your attorney, Jeff Eustis (*Review of Traffic, Transportation, and Parking Issues Associated with Proposed City of Kirkland Downtown Area Planned Action Ordinance*), "the April, 2008, City of Kirkland Downtown Area Planned Action Ordinance Draft Environmental Impact Statement (DEIS) parking analysis makes inappropriate use of parking demand data, and based on the resulting flawed analysis, makes an unacceptable and unsupported case to ignore City parking code requirements."

My letter further stated:

"The DEIS parking analysis found that the proposed action would provide more than 1,600 parking spaces fewer than City of Kirkland parking code requirements dictate. This is a recipe for severe parking overflow and congestion problems that the code requirements are designed/intended to prevent. In a superficial and analytically misleading attempt to justify the proposed parking shortfall, the DEIS relies on inapplicable data from the ITE Parking Generation Manual. The inapplicability of the ITE data – and the applicability of the City parking requirements – is explained below.

City of Kirkland parking code requirements are based on local information and reflect a locally-appropriate balance between requiring too much parking (which drives up costs and facilitates and encourages auto use) and requiring insufficient parking (which creates parking congestion and spillover). If Kirkland parking code requirements are to be changed – or deviations allowed – it should be done in a comprehensive manner, and it should be based on a thorough analysis of local Kirkland parking demand data. Kirkland parking code requirements should NOT be changed – or deviations allowed – based on limited national data (of unknown origin), such as the data reported in the ITE Parking Generation Manual, and changes/deviations certainly should not be made in the context of a specific Comp Plan Amendment or development application.

The ITE Parking Generation Manual provides parking demand estimates for various types of land uses, that like the ITE TGM trip generation rates, are based on empirical data; i.e., actual parking counts at existing developments. Because we do not know where and when the parking data was collected, we have absolutely no idea how it relates to conditions in Kirkland. For this reason alone the DEIS parking demand analysis is inapplicable and should be set aside."

Because neither the project proponents nor the Kirkland Planning Department was willing to collect the data necessary to establish the actual Park Place and Planned Action Area parking demand rates, we collected our own parking count data and used those data to determine the existing parking demand rates for office uses in the area. Results are compiled in the **Table 1**, attached.

As shown in the Table, parking demand rates for the Park Place office lots are significantly greater (30%-90% greater) than the office parking demand rate determined by the Touchstone parking analysis reported in the DEIS.

Based on the Touchstone analysis, the DEIS proposes to reduce office parking from the existing code requirement of 2.86 stalls per 1,000 sq ft of office to 2.1 stalls per 1,000 sq ft. However, the actual parking demand for Bungie, the high tech office facility adjacent to Park Place, was found to be around 4 stalls per 1,000 sq ft, and the parking demand for currently occupied Park Place offices was around 3 stalls per 1,000 sq ft. Both results clearly indicate that the City of Kirkland's minimum code requirement of 2.86 stalls per 1,000 sq ft is applicable and appropriate, and in fact further suggest that more than the code-required minimum may be needed to satisfy actual demand, particularly for high tech firms like Bungie. The results also indicate that the 2.1 stalls per 1,000 sq ft proposed in the DEIS will not provide adequate parking, even with the most optimistic ridesharing and transit use assumptions.

These data clearly indicate the need to redo the DEIS parking analysis using local Kirkland parking demand data in place of the ITE data used for the original analysis.

If you have any questions or if you need additional information, please contact me.

Sincerely,



Robert Bernstein, P.E.

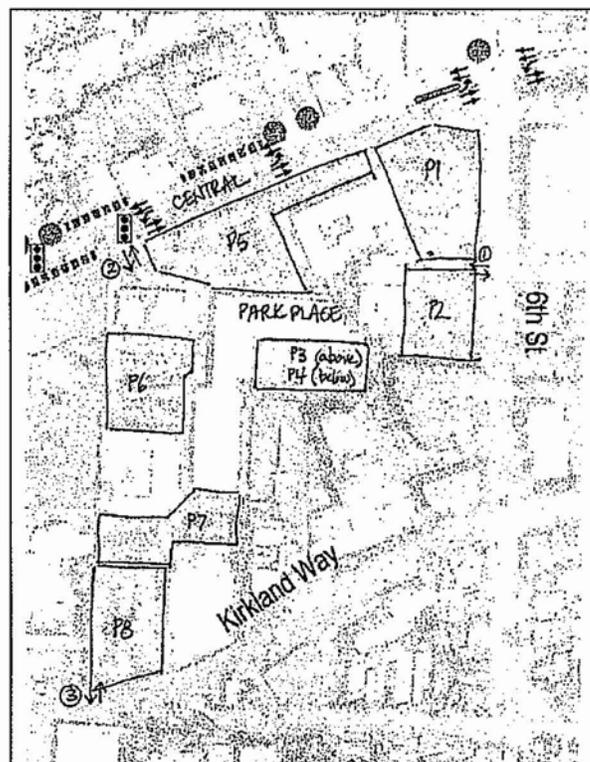
Summary of Qualifications: I have Bachelor's and Master's degrees in Civil Engineering (from Georgia Tech and Northwestern University, respectively), and I am a registered professional engineer in Oregon, Washington, California, Idaho, and New Jersey. I have over 30 years of transportation planning and traffic engineering experience, including five years with the City of Portland and seven years as Senior Transportation Engineer with the Puget Sound Council of Governments. In these positions and as a private consultant, I have prepared the transportation element for nearly a dozen city and county comprehensive plans, and I have conducted numerous regional and subregional travel demand forecasting studies, traffic operations and safety analyses, parking studies, and neighborhood traffic management studies. Over the last 20⁺ years I have provided expert assistance on development-related traffic issues to well over 100 community/neighborhood groups. In addition, I have prepared traffic studies for developers and I have provided on-call development review services for local governments in Oregon, Washington, and California.

Table 1: Park Place Parking Counts and Peak Demand Rates

Date	Park Place Offices (Lots P1, P2, P3)			Bungie (Lot P8)		
	Occupied Office ^{a)} (ksf)	Max Parking Count	Parking Demand ^{b)} (sp/ksf)	Occupied Office (ksf)	Max Parking Count	Parking Demand (sp/ksf)
26-Aug	72	231	3.2	22	89	4.0
28-Aug	72	206	2.9	22	88	4.0
10-Sep	72	201	2.8	22	91	4.1
11-Sep	72	225	3.1	22	81	3.7
15-Sep	72	203	2.8	22	86	3.9
2-Oct	72	232	3.2	22	87	4.0
DEIS			2.1			2.1

a) Park Place has appr 95,000 sq ft of office space, an estimated 23,000 sq ft of which were observed to be vacant (no tenant) when the parking counts were made.

b) Although there is some office-related parking in Lot P4, office use of Lot P4 use is not included in the office parking demand computations. As a result, the office parking demands compiled in the table are conservative (i.e., low)



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DAVIDSON SERLES & ASSOCIATES520 KIRKLAND WAY, SUITE 400
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FAX (425) 827-8725

November 5, 2008

Kirkland Planning Commission
City of Kirkland
123 - 5th Avenue
Kirkland, WA 98033RECEIVED
NOV 05 2008PLANNING COMMISSION
BY _____

Re: Parkplace PAR

Dear Planning Commission Members:

On behalf of the owners of the Emerald Building and the Continental Plaza Building adjacent to Parkplace, we request that you modify the rezone proposal for Parkplace to retain the existing 3 to 5-story building height limitations for that portion of the Parkplace property directly west of the Continental Plaza and Emerald Building properties (which we refer to for convenience sake as the "QFC Panhandle", see attached illustration). The QFC Panhandle is geographically oriented with the Emerald Building and Continental Plaza properties and the south half of CBD 5. It shares a common topography, which slopes down from east to west and a common orientation toward the park and the rest of the downtown. The QFC Panhandle, the Emerald Building and the Continental Plaza are all bisected by and served by one of the major pedestrian pathways identified in the Comprehensive Plan, which runs from 6th Street down Second Avenue and through these 3 properties to Peter Kirk Park where it connects with the Park Promenade. The properties also share access off of Kirkland Way. Given these characteristics, it is only logical that the QFC Panhandle be developed under the same criteria as the rest of the south half of CBD 5.

Indeed, the Continental Plaza Building and Emerald Building are relatively new buildings, which were developed under the reasonable assumption that the rest of the south half of CBD 5 would be redeveloped under the same development guidelines and height restrictions. On the same assumption, 3 major national tenants - Microsoft, Nokia and Brocade Communications - have leased floors in these buildings and invested hundreds of thousands of dollars in upgrades for power, air conditioning and other tenant improvements for their high tech operations. Because of the drop in elevation from Continental Plaza to the QFC Panhandle, a 3 to 5-story building built on the QFC Panhandle would not block views from the upper stories of the Emerald Building and Continental Plaza and would not significantly deprive lower floors of light and air. However, Touchstone's rezone request proposes an 8-story building in the QFC Panhandle, which would create a monolithic wall separating the Continental Plaza Building and the Emerald Building from the rest of the downtown. This building, which is now commonly being referred to as the "Typewriter Building", would block all views to the west and eliminate sunlight to these properties in the

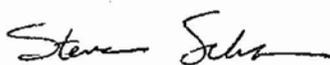
mid-afternoon. The major pedestrian pathway would be diverted down a service alley and around the Typewriter Building to Peter Kirk Park. By giving these properties such second-class treatment, the City would be significantly reducing the quality of the work environment for Nokia, Brocade, Microsoft and other tenants and depriving them of the benefit of their investment. In response, those tenants are likely either move or demand rent decreases, thereby causing significant devaluation of these buildings.

In rezoning decisions, we submit the City has a duty to treat property in a common geographic area in a similar manner. In the past, all property in the CBD 5 has been treated similarly. If CBD 5 is to be divided, it should be divided based on geography and not on property lines. Indeed, a decision to grant greater heights only to areas lying within the ownership boundary of the Touchstone property represents spot-zoning. The fair and logical analysis of the zoning would be to treat all properties in the south half of CBD 5, including the QFC Panhandle, Emerald Building and Continental Plaza Building properties, in the same manner.

We are hearing that primary public benefit for the rezone of the Touchstone property would be increased taxed revenues to the City. However, the pursuit of such benefit under the current proposal involves the taking of the views and light from 2 adjoining properties and corresponding devaluation of those properties. Such taking should not occur without fair compensation for the damage caused.

In conclusion, we ask that you avoid the problems of spot-zoning and considerable damage to the Continental Plaza Building, the Emerald Building and the very good businesses located there by continuing the 3 to 5-story height limitations in the QFC Panhandle and limiting your recommendations concerning any height increases to the northern half of CBD 5.

Sincerely yours,



Steve Silva
KBS Realty Advisors for Continental Plaza



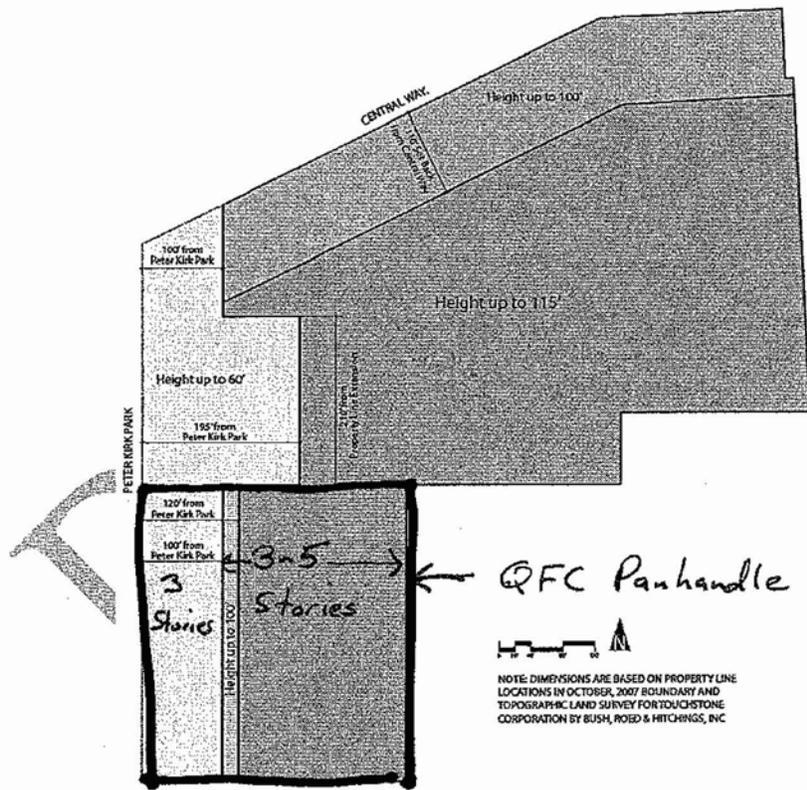
Kenneth H. Davidson
For the Emerald Building

KHD\aal

KHD\1748.14\OPLANNING COMMISSION.DSA.LET.11.04.08.doc

Plate X-2A
CBD 5A Maximum Building Heights

See Plate X-2B for measurement points



NOTE: DIMENSIONS ARE BASED ON PROPERTY LINE LOCATIONS IN OCTOBER, 2007 BOUNDARY AND TOPOGRAPHIC LAND SURVEY FOR TOUCHSTONE CORPORATION BY BUSH, ROED & HITCHINGS, INC.

Attachment 2

**DAVIDSON, CZEISLER &
KILPATRIC, P.S.**

LAWYERS

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Mailing Address: PO Box 817
Kirkland, WA 98083-0817Kenneth H. Davidson
Robert T. Czeisler
Dan W. Kilpatric
Mary S. W. Sakaguchi

November 5, 2008

Kirkland Planning Commission
City of Kirkland
123 - 5th Avenue
Kirkland, WA 98033Re: Parkplace PAR
Terminology on Height Limits

Dear Planning Commission Members:

In your study sessions I have heard some of you refer to 2 and 3-story buildings in a redevelopment of Parkplace close to the Park and the public Plaza area. However, the vision some of you may have for a zone of 2 or 3-story buildings, is not being reflected in the proposed zoning regulations. Plate X-2A on page 39 of the October 16, 2008 staff memorandum, shows a zone for buildings with height limits "up to 60 feet". This Plate suggests to anyone reading the zoning regulation that throughout this area, 4-story mixed-use office and retail building could be built. Alternatively, a 6-story building of assisted living residential over retail could be built within the 60-foot height limitation.

The same Plate shows larger areas allowing height up to 115 feet. It is feasible to construct Class A office with a floor-to-floor height of 12.5 feet. Thus, it is possible to build 9-story mixed-use office and retail building within a 115-foot height limit.

You have received much testimony from architects and citizens urging you to keep the building heights near Peter Kirk Park as low as possible to keep the sense of openness in the Park. If it is your intent to recommend 2 and 3-story buildings close to the Park, you should be clear in that recommendation. If adopted, Plate X-2A is simply an invitation to developers to build 4 to 6-story buildings close to the Park.

Sincerely yours,



Kenneth H. Davidson

KHD:aal

KHD/1748.14/PLANNING COMMISSION.LET.11.05.08.doc

RECEIVED
NOV 05 2008

PLANNING DEPARTMENT
BY _____ PM

Design Districts 5A

Building heights of 3 to 8 stories are appropriate in Design District 5A.

This district lies at the east side of Downtown between Central Way and Design District 5 and is commonly known as Parkplace. This property is distinguished from the remainder of Design District 5 by the following factors: it is a large parcel under common ownership; it is topographically distinct based on previous excavation to a level that is generally lower than Central Way and abutting properties to the south and east; it has frontage on Central Way; and it contains a mix of uses not found on other office or residential only properties in District 5. Design considerations related to vehicular and pedestrian access, landscaping, and open space are particularly important in this area. Within the district a north-south vehicular access between Central Way and Kirkland Way should be preserved and enhanced with pedestrian improvements.

Redevelopment of this area should be governed by the Kirkland Parkplace Master Plan and Design Guidelines as set forth in the Kirkland Municipal Code. Heights of up to eight stories are appropriate as an incentive to create a network of public open spaces around which is organized a dynamic retail destination. Development under the Master Plan and Design Guidelines should guide the transformation of this district from an auto-oriented center surrounded by surface parking into a pedestrian-oriented center integrated into the community by placing parking underground; activating the streets with retail uses; and creating generous pedestrian paths, public spaces and gathering places. Pedestrian connections to adjoining streets, Peter Kirk Park, and adjoining developments should be incorporated to facilitate the integration of the district into the neighborhood. Residential development could be designed to integrate into both the office/retail character of the zone and the active urban nature of Peter Kirk Park. Special attention to building design, size, and location should be provided at three key locations: at the intersection of Central Way and Sixth Street to define and enhance this important downtown gateway; along Central Way to respond to the context along the north side of street; and facing Peter Kirk Park to provide a transition in scale to downtown's central greenspace.

Because of the intensity of land use in 5A, the design of the buildings and site should incorporate aggressive sustainability measures, including low impact development measures, deconstruction, green buildings, and transportation demand management.



CITY OF KIRKLAND

City Attorney's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3030
www.ci.kirkland.wa.us

MEMORANDUM

To: Eric Shields, Planning Director

From: Oskar Rey, Assistant City Attorney *O Rey*

Date: July 10, 2008

Subject: Short Plat Vesting—Touchstone (Park Place) Private Amendment Requests
File No. ZON07-00016

This memo is intended to provide clarification with respect to short plat vesting issues in connection with the above-referenced matter. The applicant, Touchstone Corporation (“Touchstone”), is requesting amendments to the Kirkland Zoning Code and the Comprehensive Plan as part of a proposal to redevelop the Kirkland Park Place Center (“Park Place”). The requested amendments would, among other things, allow for greater building heights and reduced setbacks on the Park Place site.

At the same time, Touchstone has indicated that it intends to submit a short plat application for the Park Place site in which it would seek to redevelop the Park Place site under existing zoning regulations.¹ The short plat application would be an alternative to the redevelopment proposed in connection with the private amendment requests. In a memo dated June 6, 2008, counsel for Touchstone asserted that the filing of a complete short plat application vests the applicant with the right to develop the property under the laws in effect at the time the application is filed—in particular as to use regulations. Counsel for Citizens for Responsible Development (CRD) responded to the Touchstone memo in a letter dated July 8, 2008. My understanding is that both the Touchstone memo and the CRD letter are part of the record before the Planning Commission.

In Washington, the vesting of plat applications is governed by RCW 58.17.033. It provides that short plat applications shall be considered under the short plat ordinance and other zoning or land use control ordinances in effect on the land at the time a complete application is filed. Under Washington case law, there is no dispute that the filing of a complete short plat application vests an applicant to more than the mere right to divide property. The *Noble Manor* case² ruled that a short plat applicant vests as to use regulations if the proposed use is legal at the time of filing a complete application and the proposed use is disclosed on the short plat application.³ In addition to use regulations, a more recent case ruled that an applicant is vested as to storm water drainage regulations at the time of submitting a complete short plat application, in part because plat approval requires a finding that adequate provision has been made for storm water drainage

¹ I understand that a short plat application was filed by Touchstone on July 8, 2008. I have not reviewed that application in connection with preparation of this Memo.

² *Noble Manor v. Pierce County*, 133 Wn.2d 269, 943 P.2d 1378 (1997).

³ A subsequent case clarified that the proposed use need not appear on the face of the application if the regulatory agency has actual knowledge of the proposed use through other dealings with the applicant, such as a pre-application conference. *Westside Bus. Park v. Pierce County*, 100 Wn. App. 599, 5 P.3d 713 (2000).

July 10, 2008

Page 2

under RCW 58.17.110. *Westside Bus. Park v. Pierce County*, 100 Wn. App. 599, 607-08, 5 P.3d 713 (2000).

Beyond use regulations and storm water drainage regulations, it is less clear which zoning and land use regulations vest upon filing a complete short plat application as opposed to a subsequent stage in development such as the filing of a complete building permit application (or Design Review Board approval under Kirkland Zoning Code (KZC) Section 142.25.10). In my view, an applicant does not vest as to all zoning and land use regulations at the point of filing a complete short plat application. Some types of zoning and land use control regulations are not at issue during the short plat application process and are more properly treated as vested at the time of the filing of a complete building permit application.

For example, a short plat applicant would probably not vest with respect to regulations specifying the types of building materials that may be used until the building permit stage of the development process. Such a regulation has little, if any, relevance to the short plat process and would more properly be treated as vested at the time a complete building permit application is filed. The question of which regulations vest at the short plat stage and which regulations vest at a later stage will depend in part on the nature of the regulation and, in some cases, on the information provided by the applicant during the short plat process.

It is also important to keep in mind the scope of the vested rights doctrine. The vested rights doctrine simply provides that an applicant has the right to have its application processed under the zoning and other land use regulations in effect at the time a complete application is filed. In effect, the vested rights doctrine "freezes" the applicable zoning or land use control ordinances in effect at the time of the filing of a complete development application. Once a complete application is filed, subsequent changes to a regulation for which an applicant has vested rights would not apply to the vested application.⁴

Thus, it is not entirely correct to say that Touchstone will have a vested right to a five-story office building upon filing a complete short plat application. A better way to describe short plat vested rights is to say that the applicant will have the right to have the short plat application processed under the applicable regulations in effect at the time the complete application is filed.⁵

Under current regulations, office-only uses are allowed at Park Place and the maximum building height is 3 to 5 stories above average building elevation. See KZC Sections 50.35 and 50.37. Buildings exceeding two stories above average building elevation must demonstrate compliance with the design regulations in KZC Chapter 92 and the provisions of the Downtown Plan Chapter of the Comprehensive Plan, as determined by the Design Review Board. In my opinion, upon the filing of a complete short plat application, Touchstone will have vested rights to have its short plat application processed in accordance with this regulatory framework.

⁴ Although an applicant may elect to withdraw a pending or approved development permit application and submit a new application, which would be reviewed entirely under the Zoning Code in effect at the time the new, complete application is filed. See Kirkland Zoning Code Section 10.10.2.

⁵ Although Touchstone recently filed a short plat application, no determination has yet been made as to whether it is complete.

9. Program Requirements

- A. Pedestrian Space:**
The development will include a variety of public open spaces that vary in size and character. A minimum of 10%, or 50,000 of the site shall be activated pedestrian-oriented space, in the form of courtyards, plazas, winter atrium, etc. See diagram (pg 7) for approximate locations and dimensional requirements of specific spaces. Definition of appropriate design treatments are found in the district specific design guidelines.
- B. Arts Commitment:**
In an effort to encourage integrated art into the project, Parkplace is working in collaboration with representatives from the cultural council and local art community and will identify and create opportunities to integrate art into the project.
- C. Green Building Commitment:**
1. The following requirements will apply to the Kirkland Parkplace project:
 - a. All office buildings will be designed to achieve a LEED-CS Gold threshold. A USGBC LEED Pre-Certification application showing points meeting LEED-CS Gold will be included with permit submittals to show which points will be pursued.
 - b. The hotel will be designed to a LEED-CS Certified or LEED-NC Certified threshold, or to meet the sustainability program of the hotel operator.
 - c. The applicant shall encourage all potential tenants for Kirkland Parkplace to pursue LEED-CI. To accomplish this, the applicant will create and distribute to tenants a set of Tenant Design Guidelines to show strategies tenants can use to achieve LEED-CI certification. These Tenant Design Guidelines will be made available to the City of Kirkland to inform their ongoing sustainability programs.
 - d. At the end of all tenant build-outs on the office, the applicant will prepare an executive summary for the City of Kirkland, outlining what sustainability measures were incorporated in the tenant build-outs (unless otherwise restricted by tenant confidentiality).
 - e. In addition, the applicant will strive to make design choices in its Core and Shell buildings that are conducive to the achievement of LEED-CI by tenants.

2. In the interest of promoting a holistic sustainability approach, The applicant will strive to integrate site-specific strategies identified as focus areas, such as:
 - a. Energy efficiency strategies, like centralized cooling options and heat recovery.
 - b. Low Impact Development (LID) strategies like stormwater planters, vegetated roofs, and bioswales.
 - c. Materials and Resource strategies, like recycled materials, regional materials, and FSC certified wood.
- D. Community Serving Retail and Services:**
Include neighborhood serving retail and services such as: grocery, childcare, bookstore, drugstore, dry cleaner, movie theatre, barbershop, shoe repair, etc.



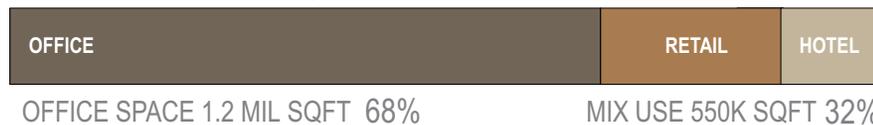
SITE AREA BREAKDOWN



OPEN SPACE BREAKDOWN



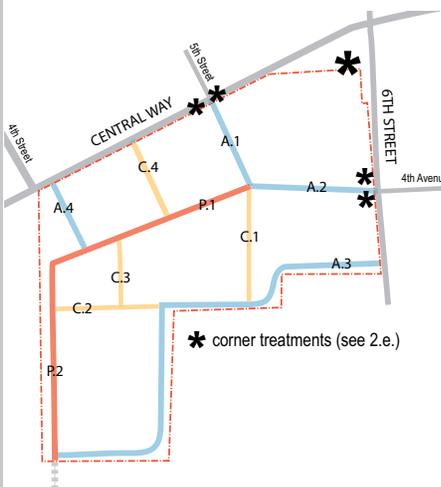
BUILDING GROSS SQUARE FOOTAGE BREAKDOWN



12. ALL DISTRICTS

Overall Intent:

To create a rich pedestrian-oriented environment and successful mixed-use center.



BUILDING DESIGN

2. Massing/Articulation

Intent: To create a variety of form and massing through articulation and use of materials to maintain a pedestrian scale.

- In general, break down the scale and massing of buildings into smaller and varied volumes.
- Buildings should distinguish a “base” using articulation and materials. Include regulating lines and rhythms which may include cornice lines, belt lines, doors and windows, etc to create a pedestrian-scaled environment.
- Provide clear pattern of building openings. Windows, balconies and bays should unify a building’s street wall and add considerably to a façade’s three-dimensional quality.
- The use of ribbon windows and mirrored glass is strongly discouraged.
- Employ major architectural expressions into the façade, roof form, massing and orientation, such as tower forms, over-sized windows and entrances to demarcate important gateways and intersections; strong corner massing can function as a visual anchor at key locations within the project area. See diagram (left) for encouraged key locations.
- Building modulation should be employed to break up long facades and create a visual interest unique to each building in the project. The type of modulation should be determined by the overall design concept of each building, using dimensions from window sizes, column spacing, rain screen paneling, etc to a determine a distinct design solution.
- Roof Silhouettes:
 - Express roofs in varied ways.
 - Give consideration to potential views of the roof top from adjacent buildings.
 - Avoid monotonous design
- Rooftop Equipment. Locate and/or screen rooftop equipment so that it is not visible from streets and other public spaces. Use methods of rooftop screening that are integral to the building’s form.



window patterns, articulation, building modulation



window patterns, articulation architectural expression



corner treatments



roof forms

Plate X-2A

CBD 5A Maximum Building Heights

Building height and story maximums shall be measured from elevations points established by Plate X-2B

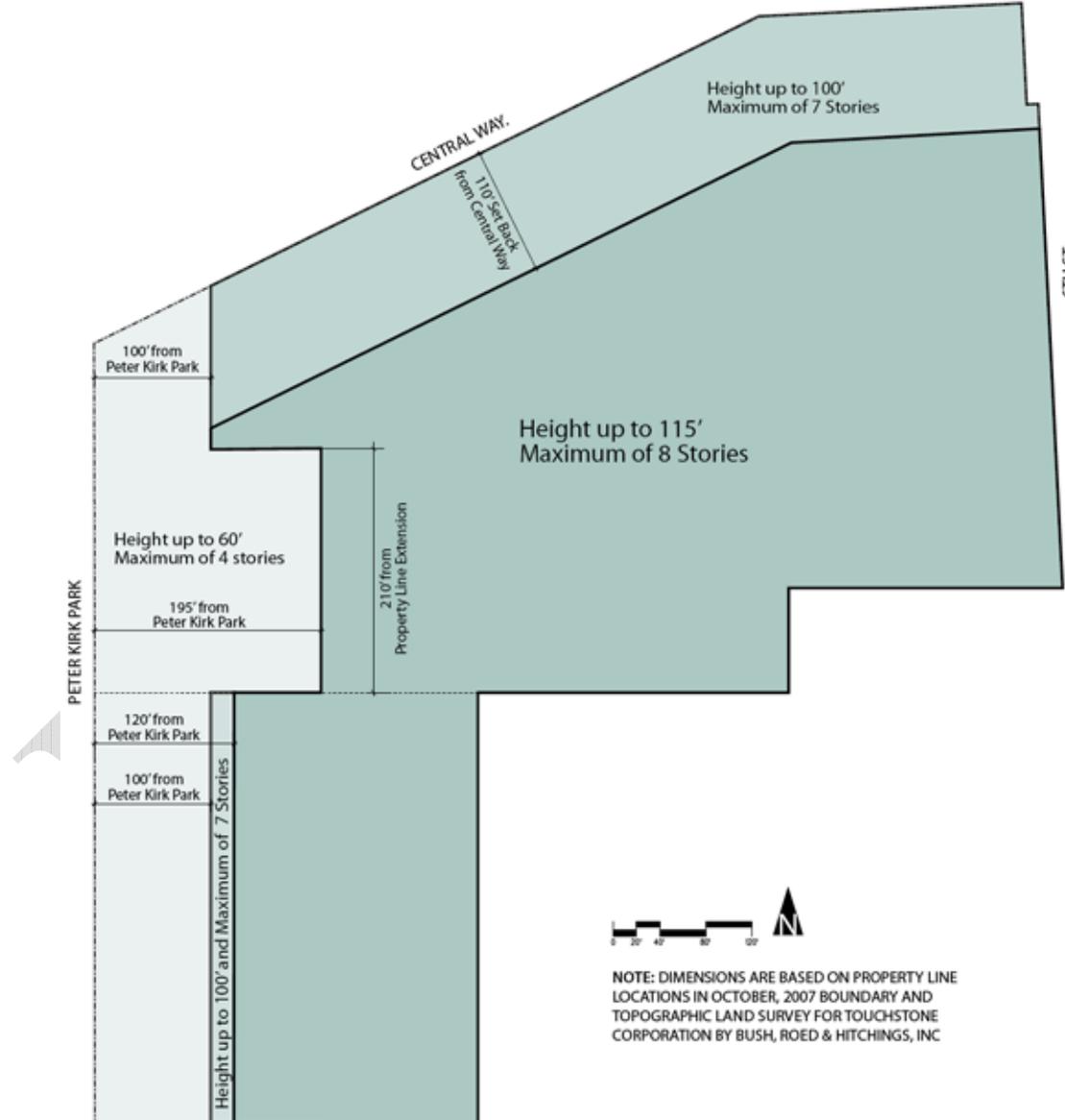
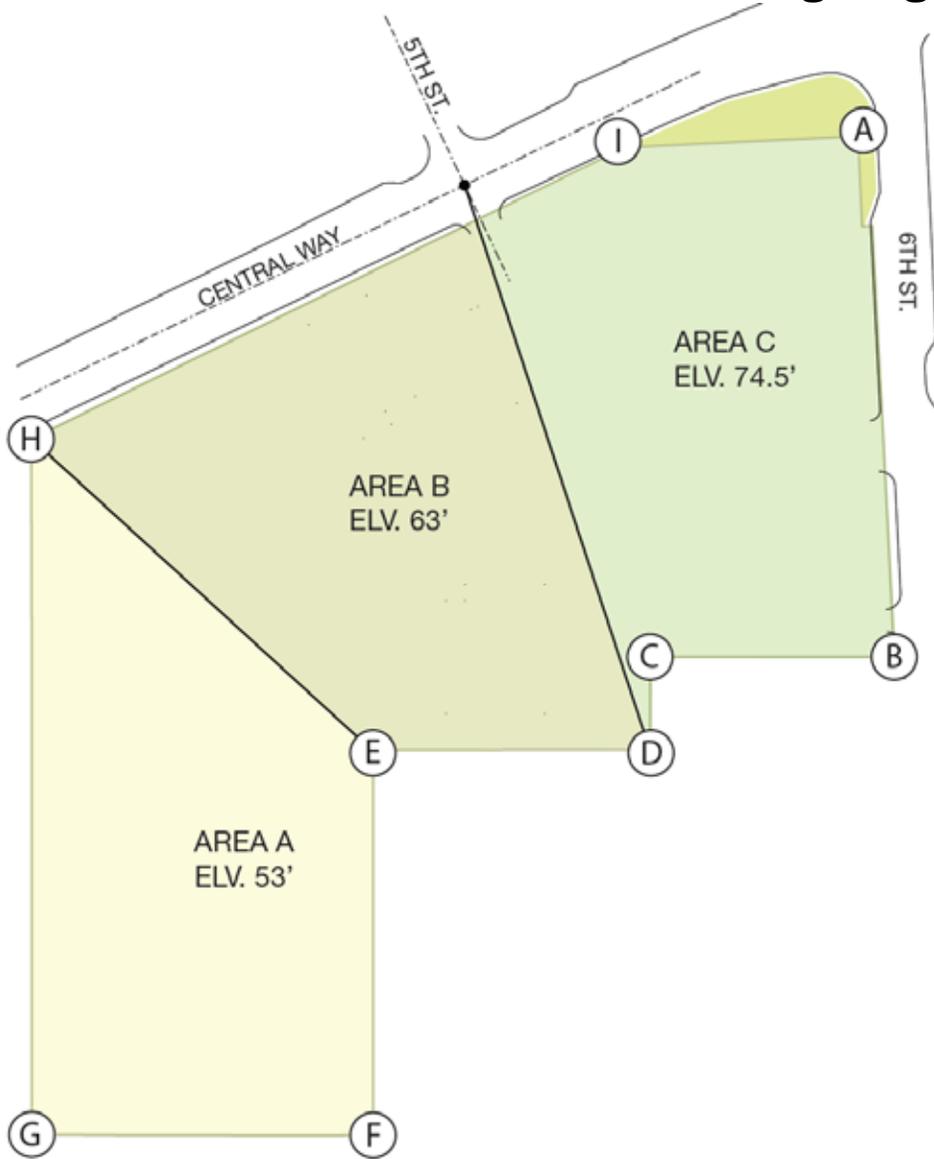


Plate X-2B

CBD 5A Maximum Building Height and Stories Measurement Points



Building Height & Number of Stories: Measurement Points

GENERAL NOTES:

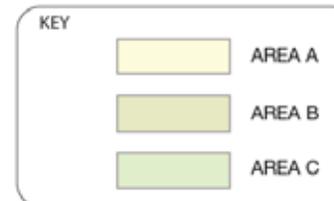
1. Where a minimum of 75% of the Gross Floor Area of a building is located in area "A", the Building Measuring Point will be elevation 53.0 feet above sea level
2. Where a minimum of 75% of the Gross Floor Area of a building is located in area "B", the Building Measuring Point will be elevation 63.0 feet above sea level
3. Where a minimum of 75% of the Gross Floor Area of a building is located in area "C", the Building Measuring Point will be elevation 74.5 feet above sea level

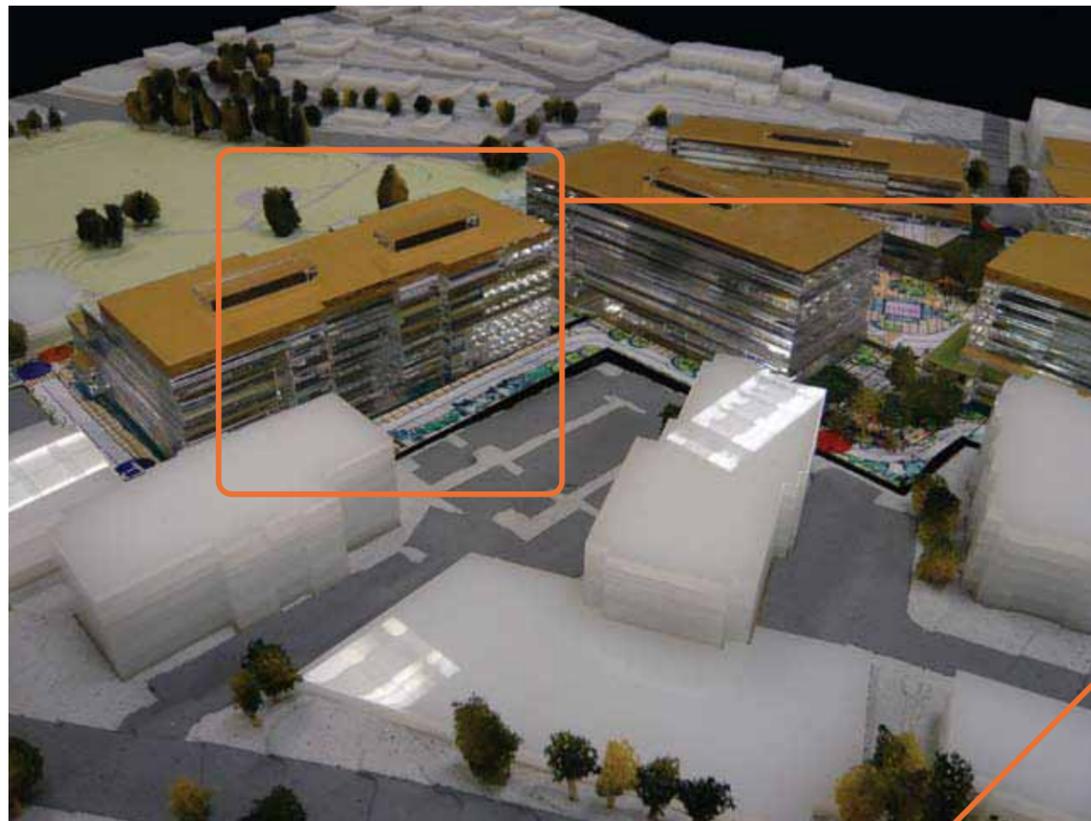
Area A: That portion of property area that lies west and south of a line between Property Corner H and Property Corner E.

Area B: That portion of property area that lies east of a line between Property Corner H and Property Corner E and west of a line from the centerline of the intersection of 5th Street and Central Way and property corner D.

Area C: That portion of property area that lies east of a line from the centerline of the intersection of 5th Street and Central Way and property corner D and west of 6th Street

note: Based on the Boundary and Topographic Survey for Park Place Center by Bush, Roed & Hitchings, INC., dated October 2007

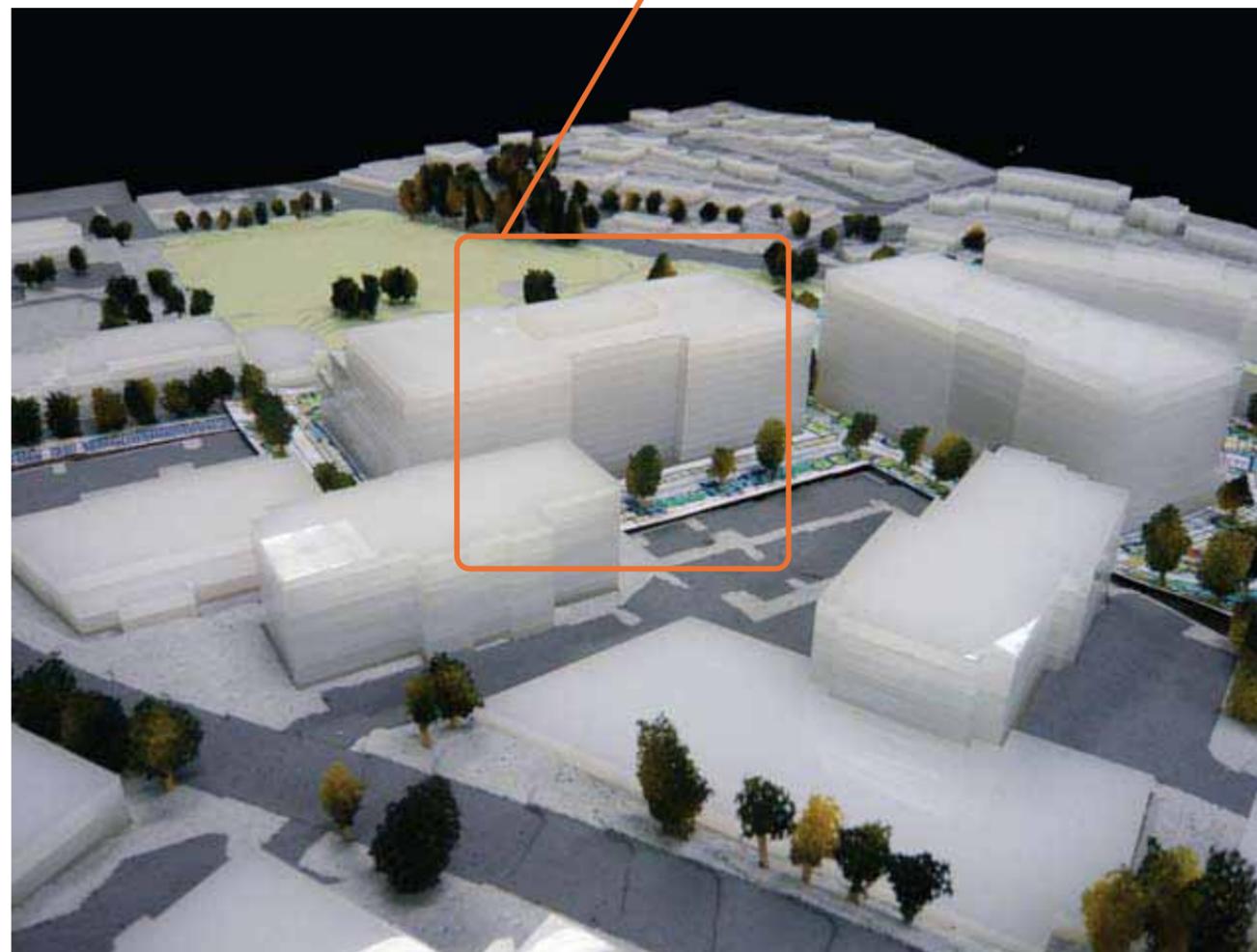




PLANNING COMMISSION STUDY SESSIONS BEFORE 10.23.08

PLANNING COMMISSION HEARING 10.23.08 WITH NO CUT

UPDATED 11.03.08



Draft Letter to City Council from Planning Commission re Touchstone PAR

It's been nearly a year and a half since the City Council directed the Design Review Board (DRB) and Planning Commission to begin a review of the Park Place private amendment request (PAR) in July, 2007. The DRB subsequently held a series of six study sessions reviewing a variety of conceptual development plans and made their final recommendation to the Planning Commission on March 25, 2008.

Building upon the DRB's recommendations, the Planning Commission began its own series of study sessions and public hearings to discuss the PAR and to hear input from citizens. The environmental review process was also going on at this time and the draft environmental impact statement was issued in April, 2008. This was followed by several more study sessions and a public hearing resulting in the development of the Commission's preferred alternative to be analyzed in the Final EIS (FEIS) which was issued on October 16, 2008. Throughout our review process there has been significant community interest that has resulted in hundreds of email comments, letters, petitions and public testimony both in support and in opposition to the proposed project.

The final result of this extended process is the Commission's recommendation on the Comprehensive Plan, Zoning, Design Guidelines and Planned Action Ordinance for Park Place that we are now transmitting for your consideration and review.

Touchstone's Two Proposals

Touchstone has two proposals before the city. The first is the PAR (under review by the Planning Commission), which is designed to accommodate their proposal for a 1.8 million sq. ft. mixed-use project. Touchstone's mixed-use proposal 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 second proposal is for a 1.2 million sq. ft. office development with limited retail (being reviewed by the Design Review Board) designed to meet the current CBD5 zoning regulations. Both proposals would result in developments that are significantly larger than the current Park Place development.

In presenting their PAR to the city, Touchstone has consistently maintained that the mixed-use project can only be built if the PAR is approved with all of the requested additional building heights and related square footage. Touchstone has also stated that it is their intention to build the alternative office development if the PAR is not approved. Touchstone offered their most detailed explanation for the program/financial requirements that drive the 5-8 mixed-use proposal in their "[Planning Commission Response Packet](#)" dated June 20, 2008 ([See end of this document](#)).

Interest-Based Approach to Project Mitigation Issues

While many have expressed doubts or even disbelief with respect to Touchstone's assertion that anything less than the requested 1.8 million sq. ft. would not be economically feasible for the mixed-use project, rather than challenging this assertion, the Planning Commission has sought instead to work with the developer through an interest-based approach aimed at striking a balance between Touchstone's interests in

maintaining the parameters of their mixed-use program and the community's interests in addressing issues regarding building size, bulk and mass, and its affect on community character as well as the anticipated traffic and parking issues.

Throughout this process the Planning Commission has been acutely aware of the large size of the project and the likely significant impacts it will have on the downtown and surrounding areas of the city. At the same time, we are in general agreement that the mixed-use project that includes a strong retail component will, on balance, provide greater benefits to the city than the applicant's alternative proposal to build what will essentially be an office park on the same site.

It is worth noting that while we have heard many people express their opposition to the applicant's project as proposed, most of those same individuals have also stated that they do support the concept of an office/retail mixed-use approach on the site, albeit at a significantly reduced scale. In contrast, relatively few individuals have spoken in favor of the alternative office park proposal.

While the commission is generally in favor of the mixed-use project, we have had serious concerns about the size and massing of the buildings on the site just as the DRB did during their deliberations and as they expressed to us in their final recommendations. We have, in fact, agreed with most of the DRB's recommendations on this issue and have crafted recommendations calling for increased building setbacks, upper-story step backs and reduced building heights and mass particularly along Central Way and along the park edge. Our proposal for a three-story height limit immediately adjacent to Central Way actually reflects limitations contained in the city's current regulations for the CBD5 zone.

We also agree with the DRB in their judgment that the best location for the tallest buildings will be along the southern and eastern boundaries of the site. The sloping contours of this site offer a unique opportunity to realize the comprehensive plan's vision for locating a greater intensity of office and retail development here while minimizing some of the inevitable visual impacts on surrounding development.

We have been generally pleased with Touchstone's willingness and ability to creatively address our questions and concerns and to find ways to incorporate these into the project's design, including calls for increased building setbacks, upper-story stepbacks, height restricted zones along Central and along the park edge, a network of public open spaces, green rooftop terraces, sustainable building measures, and other design-related requirements, the sum total of which we believe have achieved a viable balance between the interests of the developer and the surrounding community.

The Importance of Retail

The commission favors the office/retail mixed-use alternative for a number of reasons. First and foremost has been our conclusion that a strong retail component should be an essential element of any redevelopment of the Park Place site.

Most of those who have spoken in favor of the mixed-use project have done so on the basis of their desire to see a vibrant destination retail development in our downtown. Many have also spoken in support of a retail mix that includes a significant proportion of neighborhood convenience retail that will give residents the option of shopping in

Kirkland as opposed to having to travel to Redmond or Bellevue for that purpose. For many, this is a simple matter of convenience, but having such options also has implications for other important community goals including reduced traffic generation, increased sales tax revenues and carbon footprint reductions.

Although the voices of Kirkland's youth were not heard in proportion to their numbers during our review process, we were impressed with the testimony of one young lady who took the time to come to two of our public hearings to express her support for the mixed-use proposal and to point out the need for more safe and fun places for teens to go and meet their friends in our downtown. We suspect that we might hear similar opinions from other teens, not to mention concerned parents, in our community.

Another aspect that has been frequently mentioned is the desire to have more "third places" in Kirkland where our residents can go to gather, be entertained and socialize in a variety of indoor and outdoor settings. The multiple public open spaces, restaurants, theater, health club, upper story terraces and other amenities that are included in the mixed-use proposal will add considerably to these types of third place opportunities in our downtown.

Finally, the mixed-use proposal has received broad support among the majority of our downtown business owners who have consistently given us the same message: 5,000 new officer workers coupled with a strong retail presence at Park Place will provide a much needed boost to all of our downtown businesses. An economic impact analysis provided by one of Touchstone's consultants projected a potential 20% increase in sales revenues for businesses located within the downtown area as a direct result of the mixed-use project.

No Requirement for Retail in Current CBD5 Zone

While many have raised questions about the desirability of amending the Comprehensive Plan and Zoning provisions affecting this site, we are convinced that few, if any, would oppose a change to the current CBD5 zoning to require that any future development include a certain percentage of retail uses.

Would we be looking at the same or a similar project now if the current zoning code contained a requirement for a fixed percentage of retail in the CBD5 zone? There are those who argue that we would not. But, implicit in that argument is the assumption that any retail requirement that might have been contained in the zoning code would have made economic sense for potential developers. In spite of our best intentions there is no guarantee that this will always be the case.

In fact, any developer considering a mixed-use project on this site would still have to make their own independent determination as to the economic viability of their plans in light of the allowed building heights and any set retail requirements as well as many other aspects of our zoning regulations that can and do affect such bottom line business decisions. Some of the recent community discussions on the issue of building heights along Lake Street in our downtown have referenced this same issue in connection with questions raised about the economic viability of a two-story limit.

Such zoning and economic considerations will always be factors that developers will have to evaluate as a part of their business decision making process. To be effective,

our zoning regulations must be reasonably cognizant of such basic business and market factors.

Office Use

The office component of Touchstone's mixed-use proposal at 1.2 million sq. ft. will of course constitute the single largest use on the site representing an increase of approximately 1.1 million sq. ft. of office space in the area over existing conditions that will transform Park Place into the key employment focal point of downtown Kirkland.

Intensive office development at this location is in keeping with the land use and economic development elements of the City's Comprehensive Plan that encourage more in-city employment. The policies relating to the East Core frame in particular encourage redevelopment in large intense mixed-use development, particularly office. The CBD5 zone is highlighted as one of the best areas in which to develop a vital downtown employment base.

The mixed-use project is also in keeping with statewide GMA goals to reduce urban sprawl by directing more development into existing urban areas where public facilities and services exist or can be provided in an efficient manner and to encourage economic development through the promotion, retention and expansion of businesses.

Many of the business owners who wrote in or spoke to the Planning Commission emphasized their support for more office space to accommodate the needs of growing businesses in Kirkland. We heard numerous accounts of businesses that have been forced to leave Kirkland as they outgrew their existing space and were unable to find suitable alternatives within the city.

Parking

Touchstone's mixed-use project proposal includes a request for a significant reduction in the parking spaces that would normally be required for each of the uses on the site. A strict application of the parking standards contained in the city's zoning code would call for approximately 5,157 spaces. Touchstone is requesting that this number be reduced to approximately 3,650 spaces. The reduction is based upon a plan that will allow some of the parking on the site to be shared by the different uses whose peak parking demand characteristics vary by the time of day and/or by day of the week. In addition the project will implement transportation demand management and parking management programs to encourage use of alternative transportation modes and more efficient use of the available parking to ensure that the total parking supply on the site will be adequate to meet the demand.

The Planning Commission agrees with the Parking Advisory Board's conclusion that the parking demand estimate for the Park Place mixed-use project appears to be reasonable as well as the analysis of the peaking characteristics of the various uses by time of day. We note that the use of parking demand rates in the Institute of Transportation Engineers (ITE) *Parking Generation* (3rd Edition) as the basis for the analysis provides a very conservative estimate since these rates are derived primarily from free-standing suburban sites that have free parking. In addition, in response to a suggestion by the Parking Advisory Board, Touchstone added 150 more parking spaces to provide a buffer

during peak commercial parking periods and to reduce the amount of circulation by vehicles looking for parking.

Traffic

Questions about the amount of traffic that will be generated by Touchstone's mixed-use project have consistently been at or near the top of nearly everyone's list of issues and concerns including both project opponents and supporters. With employment estimates for the project topping 5,000 new jobs and with Touchstone's plan to establish Park Place as a regional retail destination, the Planning Commission certainly agrees that an understanding of the project's potential traffic impacts and proposed mitigation measures are critical elements in the review of this project. We know that the project is likely to add significantly to traffic volumes and congestion in the city. The key questions are: (1) how much new traffic will be generated by the project? (2) what mitigation measures are proposed to deal with it? and (3) how effective will the proposed mitigation measures be as measured by the city's level of service standards?

To answer these questions the Planning Commission has relied primarily upon the analysis provided by Jones & Stokes, the city's traffic consultants. The applicant's implementation of a transportation management plan will also have an effect on traffic levels to the extent they are successful with measures that encourage employees to use alternative modes of transportation.

The Institute of Transportation Engineers *Trip Generation Manual*, which is based upon observed data, was used to estimate vehicle trip rates. Various adjustments to the vehicle trip rates were made using mode split assumptions that were based upon local census data and data collected from actual Kirkland businesses subject to commute trip reduction (CTR) requirements. The Planning Commission asked many questions regarding the consultant's assumptions and methodology and has been generally satisfied with the quality of the analysis and the validity of consultant's conclusions.

A key table presented by the consultant and city staff, "Evaluation of 2014 TIA Mitigation Intersections – PM Peak Hour LOS," compares the projected levels of service, unmitigated and mitigated, associated with the "no action" and "proposed action" scenarios for the 10 intersections for which adverse LOS impacts were identified for 2014 which is the year projected for full project build out. These are the ten intersections where the project related traffic volumes were high enough to trigger mitigation requirements under the city's Traffic Impact Analysis standards.

[See table at end of this document.](#)

What is noteworthy here with respect to the proposed action is that while the "unmitigated" LOS for most of these intersections is at a level F or E, the "mitigated" LOS improves significantly with most of the intersections achieving an LOS of C or D. Only one intersection is projected to be at a "mitigated" LOS of F, and that intersection (NE 85th St. and 114th Ave. NE) happens to be the only intersection that is at an LOS of F under existing conditions as well. It is also instructive to compare the "mitigated" LOS for the proposed action with the LOS levels under existing conditions at these intersections. This comparison shows that three of the intersections are actually projected to achieve a "mitigated" LOS that is a grade higher than their LOS under existing conditions. Four of the intersections have the same LOS for the existing and "mitigated" conditions, and

three of them are reduced by one LOS grade level each from existing to “mitigated” conditions.

As the DEIS points out, while the effects of additional vehicles on traffic congestion can be mitigated to varying degrees the actual increase in traffic volumes generated by the project may be considered a significant unavoidable adverse impact. Significant adverse impacts can also result if one or more mitigation measures are not implemented.

A review of the data in the above table suggests that while there will certainly be some significant unavoidable adverse traffic impacts associated with this project, the projected change in LOS for the 10 intersections that triggered impact mitigation requirements will likely be within an acceptable range as compared to current LOS levels.

Project Benefits vs. Impacts/Costs

The following list summarizes the Planning Commission’s overall evaluation of the proposed project’s anticipated community benefits relative to the anticipated impacts and costs.

Benefits:

- Leverage additional building height into greater public benefits on the site including: public open space and green building design.
- Enhanced retail activity on the site and resulting additional sales and property tax revenues will aid city’s fiscal needs. Retail sales in particular are an important revenue component for all Washington cities that have few alternative revenue sources.
- Enhanced shopping opportunities and convenience for residents (reduced need for trips to other regional shopping centers).
- Enhanced employment base for economic development.
- Enhanced office and retail activity will provide a much needed economic boost to nearby downtown businesses.
- More concentrated employment and retail activity will contribute to regional anti-sprawl goals (GMA).
- Increased employment opportunities for residents that are located close in (GMA).
- Make the best use of the commercial zones that we have to avoid commercial creep.
- Create greater community building opportunities and places where people can meet and interact (more third places).
- Greater hotel and meeting space. We have a deficit of meeting space.

- Increased ridership will lead to improved Metro service for all Kirkland riders.
- An additional venue for free public events, like summer concerts
- Publicly accessible roof-top gardens – the 1st in the city.
- Improved streetscape on Central Way, the primary access route into downtown Kirkland.
- Visually dramatic building as gateway to downtown Kirkland.
- Retail and residential do not make a successful community. They are two legs of stool, but without the third leg – employment – Kirkland is a bedroom community which means more commuting traffic, more pollution, and less shared experiences in our town.
- Avoid the all office business park alternative. 1.2 million square feet of office is possible today, with no retail and no public benefits. Peak hour traffic impacts are (nearly) the same, view impacts are (nearly) the same.

Impacts/Costs:

- Bigger/taller buildings will alter character of CBD5 with a significantly more intensive development pattern which many project opponents feel will have an adverse affect on community character.
- Higher intensity development on this site will result in some declines in LOS at nearby intersections compared to the “no action” and “office only” alternatives.
- Increased shading of buildings to the north and east will occur with both the “office only” and FEIS reviewed alternatives with slightly more shading with the FEIS reviewed alternative.
- View blockage of properties located to the south and east will be significant.
- There is some risk that the project will result in some parking spillover into surrounding neighborhoods. There are safeguards included in the planned action ordinance calling for corrective action on the part of the developer but this will require some monitoring and enforcement action by the city.

MEMO

TO: Planning Commission
 FROM: Touchstone Corp.
 RE: 5 and 8 story proposals for Parkplace are well-considered options

1.Public Input

The proposed projects at Kirkland Parkplace are the result of a year and a half of public input including five meetings with the Design Review Board who complimented us on our responsiveness in their final recommendations. We have also worked diligently to be responsive to a broad range of public concerns, within the limits of keeping the project financially viable. Our final designs have been significantly shaped by public input. We have also attempted to be responsive to the informational needs of the Planning Commission with detailed response packages, follow up information on questions and experts available at all public meetings. We hope that you will find this latest package is responsive to public concerns and the latest questions and discussion topics from your group.

2.What program/ financial requirements drive the 5 and 8 story plans?

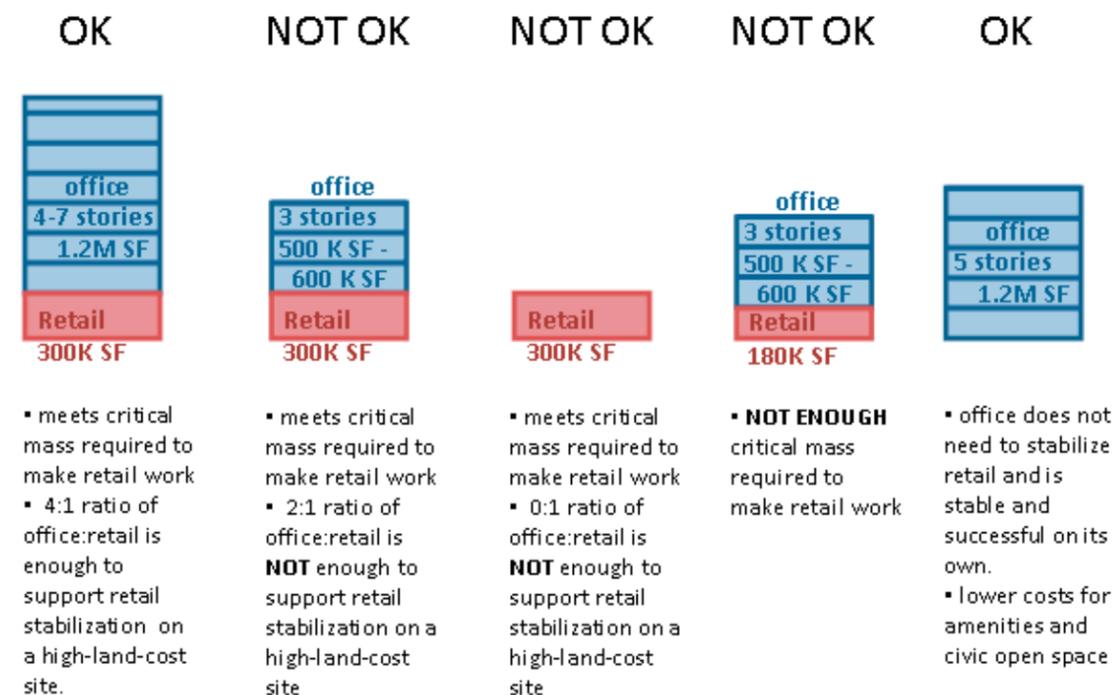
- When Touchstone first looked at the program option of providing retail at Parkplace we hired Bob Gibbs who advised us that 300,000 SF was the minimum amount of retail needed to make the retail work for the project and to create a critical mass with healthy synergies with the existing downtown retail. So we take that as a given.
- Retail Core and Shell is expensive to build. What does this mean? 18 foot floor-to-floor heights, an underground service level, extra mechanical venting for restaurants in a dense urban area, are all elements of the Core and Shell that are more expensive for retail space, and more expensive again in a downtown redevelopment (as opposed to a suburban mall on inexpensive land).
- Retail Tenant Improvements are expensive to build. Typical retail Tenant Improvements (paid for by the landlord as part of the lease) run \$80-\$200 (\$120 average) for great downtown small-shop spaces (as opposed to big-box stores).
- Retail rents are low, and turnover in the first few years is high. Rents run

20\$-35\$ (\$30 is an optimistic average) per SF on retail space, and turnover in the first 3 years (during the stabilization period for a new development) is about 20%. Construction will take 3 years on a project this size. So the math for the number of years to break even (just on the tenant improvement costs) for retail (without including time value of money) is:

$$\text{Years to break even} = 3 + (120 / 30) * 1.2$$

$$\text{Years to break even} = 7.8$$

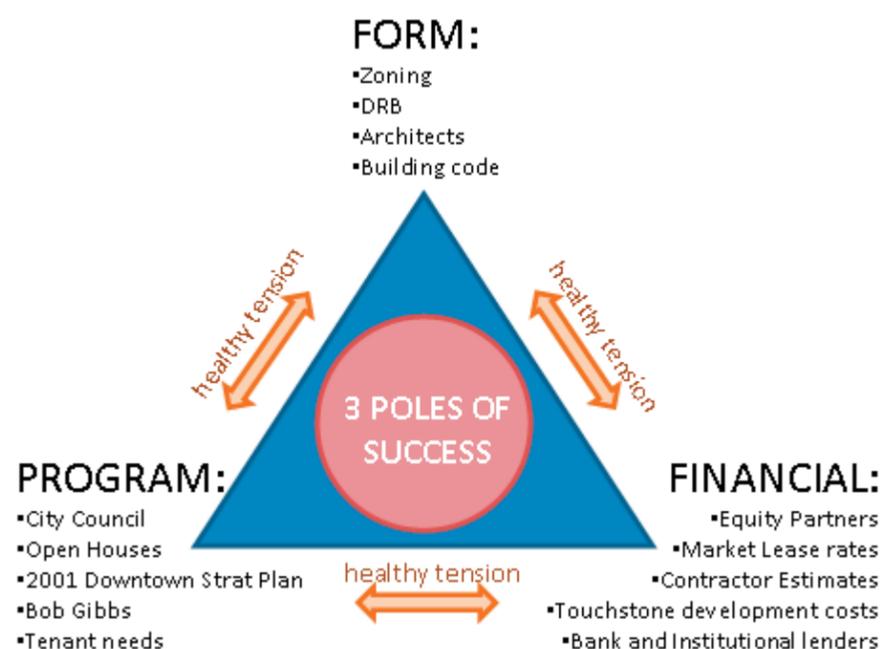
- This shows that the retail in a downtown mixed used redevelopment takes a long time to break even. Financially, the project needs a strong driver to provide an early return for investors and make it fund-able.
- Office is the strong driver that is leased early and has long-term stable leases. How much is needed? 1.2M SF of office is 4 times the retail space. So each SF of retail TI's is offset by 4 SF of office space, bringing the amortization period for those TI's (not including extra C&S costs) down fourfold to a more reasonable 2 years. If we only had 600,000 SF of office (buildable within the current code) the amortization period for the extra cost of retail TI's is 4 years, still too long to make it feasible for a financial investor in the current climate. It is important to note that while real estate is local, capital is global. This project will not happen if it can't attract capital in a competitive and cautious global financial environment.
- The 300,000 hotel and conference space is a short-term neutral and long term benefit. It provides a program that is flexible to step-backs along central, works well with a sports club and provides some much needed conference and event space in the city.



- The upshot? We need a base amount of 300,000 of retail for the retail to succeed long term. In the short term, we need about 4 times that amount of office to carry just the tenant improvements on the retail. (This doesn't even begin to account for the higher land costs downtown, the higher Core and Shell costs, extra amenities, public art and enhanced civic open space program.) The 300,000 hotel and conference space is a short-term neutral and long term benefit. The 8-story plan is the best compromise that fits this total program.
- The other upshot? There is no way to squish (a minimum of 300,000 SF of) retail into a smaller box (and still include enough office to make it financially viable). This helps explain why the 5-story option does not include a stand-alone retail component (beyond what is required to serve the needs of office workers).

3.The Balance of Interests

This diagram represents the healthy tension between the forces that enable a development project to succeed. In a great project, all of them are in balance: the community and user needs define the program, and the form or “container” for that program is shaped by the zoning. These two dimensions are in turn shaped by the financial balance of risk and return.



In the last year, Touchstone, in consultation with the City, the public (program), our architects and the DRB (form) and our financial partners (finance) have crafted two

alternatives that strike a different balance between the three corners of the triangle. One (the 5-story mixed use) is consistent with the current zoning, and one (the 8-story alternative) has extra amenities and retail and is possible within the context of a zoning variance.

Many people who have responded to these alternatives only see one or two of the corners of the triangle and wonder why there are not more alternatives or compromises. For instance, if the financial corner of the triangle didn't exist, we could have a smaller project with retail and office. Unfortunately, in the current national economic climate we need to have a solid financial base to get this project funded. It's not about “greed” or “ultimatums” or “holding the city hostage” as some people have tried to label it. It's about a balance of interests—including financial interests—that can make this project successful.

4.Some remaining threshold issues

The Planning Commission has thoughtfully brought up a few outstanding issues. It is our hope that this package can provide substantive detail on the questions below.

- SUNLIGHT: The Central Plaza (“Living Room”) needs excellent sunlight
- CENTRAL AVE: This street needs appropriate pedestrian orientation, and modulation. Hotel needs to meet step-backs as recommended by DRB
- 6TH AND CENTRAL: The intersection should have an iconic “gateway” feel, set-backs from the street, and significant architectural “subtractive” features that open into the project
- PARKING: Need answers on PAB questions about parking adequacy and assumptions
- DESIGN GUIDELINES: Need draft design guidelines that ensure that public benefits are preserved.

The appended package strives to answer these questions and strike a balance between substance and brevity. Should it require additional explanation, we would be pleased to provide additional detail either in writing or through verbal questions upcoming planning commission meetings.

Thank you again for your thoughtful engagement with this project.

Douglas Howe

Kirkland Downtown Planned Action Ordinance

Evaluation of 2014 TIA Mitigation Intersections – PM Peak Hour LOS

ID	Intersection	Traffic Control ¹	Existing		No Action				Proposed Action			
					Unmitigated		Mitigated		Unmitigated		Mitigated	
			LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
Southwest Subarea												
4	Central Way/Parkplace Driveway	Signal	C	20.2	F	>200	A	10.0	F	>200	C	21.3
105	Central Way/6th Street	Signal	C	30.9	-	-	-	-	F	96.3	D	39
109	NE 85th Street/114th Avenue NE	Signal	F	87.7	F	132.1	F	93.0	F	227.9	F	110.4
110	6th Street/4th Avenue	Signal	B	12.7	-	-	-	-	E	75.1	C	22.0
112	Kirkland Way/6th Street	Signal	C	22.3	-	-	-	-	F	231.0	C	23.6
128	Central Way/5th Street	TWS	E	48.2	-	-	-	-	E	66.2	D	38.7
129	Central Way/4th Street	TWS	E	48.3	F	82.4	C	18.1	F	119.0	C	21.3
169	6th Street/7th Avenue	AWS	B	13.7	-	-	-	-	F	86.7	E	42.6
Northwest Subarea												
211	Market Street/15th Avenue	Signal	C	23.0	-	-	-	-	F	153.3	B	15.9
East Subarea												
402	NE 85th Street/124th Avenue NE	Signal	E	67	-	-	-	-	F	81.0	E	78.4

1. Traffic control for mitigated conditions. AWS = All Way Stop; TWS = Two Way Stop (LOS/Delay shown for worst movement at TWS)

Source: Heffron Transportation, Inc. 2008



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

MEMORANDUM

To: City Council

From: Planning Commission
Byron Katsuyama, Chair

Date: November 19, 2008

Subject: **PLANNING COMMISSION RECOMMENDATION
TOUCHSTONE (PARKPLACE), ORNI AND ALTOM PRIVATE AMENDMENT
REQUESTS
FILE ZON07-00016, 00012 AND 00019**

I. INTRODUCTION

Includes description of the original private amendment requests

II. RECOMMENDATION ON PARKPLACE, ORNI AND ALTOM PRIVATE AMENDMENT REQUESTS

Includes description of Planning Commission's recommendation

III. RATIONALE FOR PLANNING COMMISSION RECOMMENDATION

The edited version of Byron Katsuyama's explanation of the rationale for the Commission's recommendation will go in this section for the Touchstone request.

The other two PARs will have shorter explanations that describe the history of the properties and the issues involved in their applications.

The Orni description will include the Planning Commission's concerns about the non-conforming office complex and the adjacent residential uses.

The Altom description will talk about the Commission's concern with lot size vs. height allowances.

IV. PUBLIC COMMENT

This section will list the Planning Commission study sessions and public hearings that have been held and give a summary of the public comments received.

*** Additional technical information on the process, Planned Action EIS and private amendment request criteria will be included in the staff memo that will go to Council at the same time.*

