

A proposal like the one offered by MRM, inconsistent with all of the policies cited in Table 2, cannot be approved under applicable criteria. KZC 135.20. Moreover, any private request that seeks to revise or eliminate all of these policies in order to gain the ability to develop one residential project on a single parcel must be rejected as an illegal spot zone or an improper attempt by one property owner to shift long standing public policy for purely private gain.

The MRM Proposal is Inconsistent with the Growth Management Act

Reduced development at Parkplace, as stated by Prudential and Talon in meetings with Eric Shields, coupled with the loss of office development potential on the MRM site, means that the City will be out of compliance with the Growth Management Act's land capacity requirements if it approves the MRM proposal.

As noted in Eric Shield's June 3, 2013 memo on the land capacity assumptions used for the 2015 Comprehensive Plan Update (included as Attachment K), the City assumed that Parkplace will be developed as shown in the Master Plan, with 1.2 million square feet of office and 592,700 square feet of commercial. The employment generated under that Master Plan (calculated at 4 employees/ 1000 SF for office uses and 2 employees/ 1000 SF for commercial uses) resulted in 5,986 jobs. If Parkplace is only developed with 600,000 square feet of office and 150, 000 square feet of commercial space, there will be a loss of 3,286 jobs from the Parkplace site.¹ The FSEIS on the MRM proposal calculated a loss of 800 jobs if the MRM proposal is approved. With the reduction at Parkplace, that results in a total loss in employment capacity of over 4,000 jobs.

The GMA required employment target for Kirkland is 22,435 jobs, while the land capacity analysis (assuming full build-out of Parkplace and without the MRM rezone) produced an employment capacity of 22,944 jobs. See Development Capacity Analysis February 6, 2014 (Attachment L). This results is a "cushion" of only 509 jobs.

A loss of employment capacity of over 4,000 jobs, given the downsizing of Parkplace and approval of MRM's proposal, would mean that Kirkland will fail to meet its GMA obligation of providing land capacity, required by law, to achieve its employment growth target. While the exact capacity loss from Parkplace may be uncertain and other "fixes" might be possible to increase employment capacity before the City adopts the 2015 update to its Comprehensive Plan, the current data and policies would create an immediate GMA noncompliant status if the MRM proposal is approved.

Given recent announcements about the current owners' decision to seek modification of Parkplace approvals to build a smaller office project with less retail and, perhaps, with some residential, now is not the time to change the land use policies and code requirements

¹ 1,200,000 sf office x 4 emp/1000 sf office = 4,800 employees. 592,700 sf commercial x 2 emp/1000 sf comm. = 1,186 employees. The existing land capacity analysis shows 5,986 employees (4,800 + 1,186) as the capacity of Parkplace. Under the smaller development scenario, Parkplace would have a reduced employment capacity as follows: 600,000 sf office x 4 emp./1000 sf office = 2,400 employees and 150,000 sf commercial x 2 emp./1000 sf comm. = 300 employees; or a total reduced employment capacity of 2,700 jobs. The difference between the current land capacity analysis forecast and the reduced development scenario is 3,286 employees (5,986-2,700).

emphasizing office use in CBD-5. At a minimum, the City must take a “wait and see” approach to determine what changes Parkplace actually submits for approval.

The MRM Proposal Fails to Satisfy the Code Established Factors and Criteria Necessary For Approval

MRM has failed to establish that it satisfies the factors and criteria for approving its requested comprehensive plan revisions and code changes. For ease of review, Table 3 below summarizes and documents these failures:

Table 3: Inconsistency of MRM Proposal with Amendment Criteria

<p>Pursuant to KZC 140.25, the City shall take into consideration the following factors when considering a proposed amendment to the Comprehensive Plan:</p>	
<p>Criteria</p>	<p>Compliance Analysis</p>
<p>The effect upon the physical, natural, economic, and/or social environments.</p>	<p>The City has failed to provide the information or analysis necessary to evaluate compliance with this criterion.</p> <p>The MRM proposal will reduce the employment capacity of the site by over 800 jobs. In addition to a significant reduction in the overall number of jobs on site, the MRM proposal will also reduce the quality of the jobs on site. The MRM proposal trades high-wage office jobs for low-wage retail jobs.</p> <p>In a response letter in the Final SEIS, the consultants respond to concerns about the economic impacts of the MRM proposal by saying, “Wages, personal income and economic competition are types of non-environmental information that are not required to be discussed in an EIS.” (4-4). They also say, “The [economic] analysis is not intended or required to be as detailed as the EIS analysis, nor is it designed to reach a precise or quantitative conclusion regarding the benefits of the individual alternatives.” (4-10)</p> <p>Because of the loss of jobs, the loss of synergies in office use in the CBD 5 area, and the inconsistency of a residential development with these office uses, the MRM proposal is fails to meet this criteria.</p>
<p>The compatibility with and impact on adjacent land uses and surrounding neighborhoods.</p>	<p>Both the height and the uses proposed on the MRM property will negatively impact adjacent land uses and the surrounding neighborhood.</p> <p>The proposed 8-story height limit is inconsistent with any other buildings in the neighborhood and will block views from existing developments.</p> <p>Eliminating long-standing policies that intentionally concentrated a critical mass of employment uses along the eastern edge of the CBD will negatively impact the existing synergy of uses and reduce the desirability of the area as an office location for small and mid-size companies. This will impact the ability to retain and attract quality office tenants.</p>
<p>The adequacy of and impact on public facilities and services, including utilities, roads, public</p>	<p>Kirkland’s park facilities are inadequate to handle increased residential development and the impacts of the MRM proposal on emergency services have not been adequately addressed.</p> <p>The SEIS acknowledges that the City is not currently meeting its</p>

<p>transportation, parks, recreation, and schools.</p>	<p>adopted LOS standards for neighborhood parks and indoor athletic and recreation space. MRMs proposal to develop the site with residential units instead of commercial uses will exacerbate this problem.</p> <p>Similarly, the SEIS acknowledges that the City’s fire department does not currently meet its response time goals. The MRM proposal to change the property from day-time occupancy commercial uses to residential uses with cooking facilities and increase building heights to 100-feet has significant fire and life safety implications.</p> <p>An appropriate service area radius for a ladder truck is 2.5 miles. Kirkland’s only ladder truck is approximately 3.9 miles from the MRM property.</p> <p>In a response letter in the Final SEIS, the consultants respond to concerns about impacts on emergency services by suggesting that “As an additional potential mitigation measure, however, the City could require that proposed projects on the MRM site be evaluated by the Kirkland Fire Department to identify staffing, facility, and equipment needs that would result from the project.” (4-10)</p> <p>However, deferring such analysis to the project stage is inappropriate. To comply with this criterion, the analysis must occur before, not after, the proposed amendments.</p>
<p>The quantity and location of land planned for the proposed land use type and density.</p>	<p>The MRM proposal would add to Kirkland’s existing surplus housing capacity and reduce needed employment capacity.</p> <p>MRM is requesting to change the allowed use of the property from employment generating uses to residential uses despite evidence that there is a greater need for employment in Kirkland’s CBD than for residential units.</p> <p>In evaluating the MRM proposal, the City must consider the supply of residential property (what MRM is requesting) in Kirkland’s CBD compared to the supply of commercial/office property (what MRM has now) as well as the location of the MRM property in a cluster of office development where an eight story residential structure would be an anomaly and inconsistent with surrounding uses.</p> <p>Trading the employment potential of the MRM property for housing units would move the city further out of compliance with its stated jobs to housing ratio policy.</p>
<p>The effect, if any, upon other aspects of the</p>	<p>The City has failed to provide the information or analysis necessary to evaluate compliance with this criterion.</p>

Comprehensive Plan.	<p>The SEIS on the proposal listed the policies that the proposal was inconsistent with but did not evaluate the effect that altering those policies would have on the Comprehensive Plan. In a response letter in the Final SEIS, the consultants respond to concerns about the lack of policy analysis by saying, “at the time the Draft SEIS was published, the Planning Commission and City staff had not yet determined how implementation measures might be crafted to address policy inconsistencies or other environmental impacts. The policy analysis, therefore, is based broadly on the location of the proposal, potential uses and maximum building heights, and no decision on how to proceed would be made until after publication of this Final SEIS.” (Final SEIS, 4-3)</p> <p>Despite the Final SEIS admitting that only broad and speculative policy analysis could be completed without specific implementing amendments, the staff report claims that the policy review in the SEIS was adequate and satisfies this review criterion.</p> <p>To this date, staff has not proposed Comprehensive Plan or zoning code revisions that would enable the MRM proposal to proceed. Without a specific amendment proposal, it is impossible to consider the effect of the MRM proposal on the Comprehensive Plan.</p>
<p>Pursuant to KZC 140.30, the City may amend the Comprehensive Plan only if it finds that:</p>	
<p>Criteria</p>	<p>Compliance Analysis</p>
<p>The amendment must be consistent with the Growth Management Act.</p>	<p>The land capacity assumptions being used for Kirkland’s 2015 Comprehensive Plan Update assumes Parkplace will be developed with 1.2 million square feet of office and 592,700 square feet of commercial despite a 2009 study that concluded a reasonable projection would be the addition of a maximum of 150,000 square feet of new retail space in the downtown area. The difference between the city’s wishful thinking and the market reality is a difference of more than 3200 jobs. Together with the reduced (800 jobs lost) employment capacity associated with the MRM proposal, Kirkland will be unable to meet its GMA obligation of providing land capacity to achieve its employment allocation.</p>
<p>The amendment must be consistent with the countywide planning policies.</p>	<p>The City has failed to provide the information or analysis necessary to evaluate compliance with this criterion.</p> <p>The Final SEIS states that only broad and speculative policy analysis could be completed without specific implementing amendments. Despite this acknowledgment, the staff report claims that the policy review in the SEIS was adequate and satisfies this review criterion.</p>

	<p>To this date, staff has not proposed Comprehensive Plan or zoning code revisions that would enable the MRM proposal to proceed. Without a specific amendment proposal, it is impossible to evaluate the consistency of the MRM proposal with countywide planning policies.</p>
<p>The amendment must not be in conflict with other goals, policies, and provisions of the Kirkland Comprehensive Plan.</p>	<p>The City has failed to provide the information or analysis necessary to evaluate compliance with this criterion.</p> <p>The Final SEIS states that only broad and speculative policy analysis could be completed without specific implementing amendments. Despite this acknowledgment, the staff report claims that the policy review in the SEIS was adequate and satisfies this review criterion.</p> <p>To this date, staff has not proposed Comprehensive Plan or zoning code revisions that would enable the MRM proposal to proceed. Without a specific amendment proposal, it is impossible to evaluate the consistency of the MRM proposal with the Comprehensive Plan.</p>
<p>The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.</p>	<p>The MRM proposal is not in the best interest of the community.</p> <p>The proposal benefits only the property owner, with externalities – such as exacerbating the parks shortage, altering the view and character of the neighborhood, compromising the viability of surrounding businesses, and decreasing needed employment capacity – passed on to the community.</p> <p>The public benefits proposed by the applicant are minimal and do not outweigh the public detriment of a project that is inconsistent with long-standing policies that seek to protect good quality jobs in the CBD.</p>
<p>Pursuant to KZC 135.20, the City may decide to approve a legislative rezone only if it finds that:</p>	
<p>Criteria</p>	<p>Compliance Analysis</p>
<p>Conditions have substantially changed since the property was given its present zoning or the proposal implements the policies of the Comprehensive Plan; and</p>	<p>Conditions have changed in the CBD, but the changes make protecting employment capacity more critical not less.</p> <p>Over the past two decades, the overwhelming majority of redevelopment projects on properties in the CBD that allow either office or residential development have been developed with residential uses. This is moving Kirkland in the wrong direction for compliance with its desired jobs/housing ratio.</p>

	<p>Furthermore, the future redevelopment of Parkplace – once seen as the answer to the need for retail and office capacity in the CBD – has become uncertain. Recent meetings between the City and Prudential and its new development partner, Talon, confirm that a smaller office project with less retail is being planned. The prior assumptions of how much office and commercial development will occur at Park Place are no longer accurate.</p> <p>Conditions have changed since the CBD-5 zone was established. Residential development has exploded in the CBD and a large office development project failed to launch. These changes make protecting employment capacity more critical than ever before.</p>
The proposal bears a substantial relationship to the public health, safety, or welfare; and	<p>The City has failed to provide the information or analysis necessary to evaluate compliance with this criterion.</p> <p>Without a more detailed analysis of the ability of the city’s fire department to serve taller buildings in this location and respond to incidents in a timely manner, it is impossible to evaluate compliance with this criterion.</p>
The proposal is in the best interest of the community of Kirkland.	<p>The MRM proposal is not in the best interest of the community.</p> <p>The proposal benefits only the property owner, with externalities – such as exacerbating the parks shortage, altering the views and character of the neighborhood, compromising the viability of surrounding businesses, and decreasing needed employment capacity – passed on to the community.</p>
<p>Pursuant to KZC 135.25, the City may amend the text of the Zoning Code only if it finds that:</p>	
Criteria	Compliance Analysis
The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and	<p>The City has failed to provide the information or analysis necessary to evaluate compliance with this criterion.</p> <p>The Final SEIS states that only broad and speculative policy analysis could be completed without specific implementing amendments. Despite this acknowledgment, the staff report claims that the policy review in the SEIS was adequate and satisfies this review criterion.</p> <p>To this date, staff has not proposed Comprehensive Plan or zoning code revisions that would enable the MRM proposal to proceed. Without a specific amendment proposal, it is impossible to evaluate the consistency of the MRM proposal with the Comprehensive Plan.</p>
The proposed amendment bears a	The City has failed to provide the information or analysis necessary to evaluate compliance with this criterion.

<p>substantial relation to public health, safety, or welfare; and</p>	<p>Without a more detailed analysis of the ability of the city's fire department to serve taller buildings in this location and respond to incidents in a timely manner, it is impossible to evaluate compliance with this criterion.</p>
<p>The proposed amendment is in the best interest of the residents of Kirkland; and</p>	<p>The MRM proposal is not in the best interest of the community.</p> <p>The proposal benefits only the property owner, with externalities – such as exacerbating the parks shortage, altering the views and character of the neighborhood, compromising the viability of surrounding businesses, and decreasing needed employment capacity – passed on to the community.</p>

Conclusion

In conclusion, other than MRM's desire to build an 8-story multifamily project on its property, there is no reason why the City should even be considering this request. MRM's proposal contravenes the strong, long-standing, and critical policies of the City. MRM has presented no compelling public policy reasons to change the City's Comprehensive Plan and Zoning Code. At the same time, market decisions in downtown and recent announcements by the owners of Parkplace demonstrate, even more, the need to retain all of CBD-5 as an area that emphasizes office development and limits residential use.

Likewise, MRM has failed to provide any basis to change policy and code which restricts height on the MRM site to a maximum of five stories. MRM fails to grasp the clear message adopted by the City Council in the 2008 Comprehensive Plan update, that the 8-story height allowance for Parkplace was due to the unique characteristics of that property and the unique master plan development committed to by Parkplace.

The City's adopted policy and the interests of the City must drive this decision, not one owner's desires. While office redevelopment on the MRM property may take longer to implement, the City's Comprehensive Plan necessarily has a longer time horizon. The MRM site should continue to be governed by Kirkland's existing land use policies and CBD-5's existing zoning standards. MRM's proposal should be denied.

Very truly yours,



Brent Carson

BC:jes

Attachments

cc: Client
Ms. Angela Ruggeri

ORDINANCE NO. 3608

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN ORDINANCE 3481 AS AMENDED.

WHEREAS, the City Council has received from the Kirkland Planning Commission a recommendation to amend certain portions of the Comprehensive Plan for the City, Ordinance 3481 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated May 9, 1997 and bearing Kirkland Department of Planning and Community Development File No. IV-96-70; and

WHEREAS, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, held on March 13, 1997, a public hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, in regular public meeting, the City Council considered the recommendation from the Kirkland Planning Commission as to proposed text for amendments concerning development within the Central Business District; and

WHEREAS, the City Council decided additional study concerning development within the Central Business District was needed, which resulted in revised proposed text for amendments; and

WHEREAS, the City Council held a new public hearing on the proposed text for amendments concerning development within the Central Business District on November 18, 1997; and

WHEREAS, pursuant to the State Environmental Policies Act there has accompanied the legislative proposal and recommendation through the entire consideration process, a determination of nonsignificance (including supporting environmental documents) issued by the responsible official pursuant to WAC 197-11-340 and WAC 197-11-390; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission.

WHEREAS, in regular public meeting on December 9, 1997, the City Council did consider Ordinance No. 3606 also amending the Comprehensive Plan, and that these two ordinances comprise all of the Comprehensive Plan amendments for 1997.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Text amended: The following specific portions of the text of the Central Neighborhood Chapter of the Comprehensive Plan, Ordinance 3481 as amended, be and they hereby are amended to read as follows:

As set forth in Attachment A which by this reference is incorporated herein.

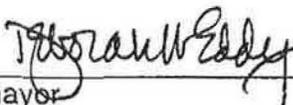
Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in force and effect January 23, 1998, and this ordinance shall be published, pursuant to Section 1.08.017, Kirkland Municipal Code, in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Section 4. A complete copy of this ordinance, including Findings, Conclusions and Recommendations adopted by reference, shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 18th day of December, 1997.

SIGNED IN AUTHENTICATION THEREOF this 18th day of December, 1997.



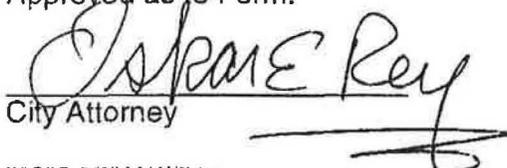
Mayor

Attest:



Deputy City Clerk

Approved as to Form:



Asst. City Attorney

XV.D. CENTRAL NEIGHBORHOOD

3. DOWNTOWN PLAN

0-3608

A. VISION STATEMENT

Downtown Kirkland provides a strong sense of community identity for all of Kirkland. This identity is derived from Downtown's physical setting along the lakefront, its distinctive topography, and the human scale of existing development. This identity is reinforced in the minds of Kirklanders by Downtown's historic role as the cultural and civic heart of the community.

Future growth and development of the Downtown must recognize its unique identity, complement ongoing civic activities, clarify Downtown's natural physical setting, enhance the open space network, and add pedestrian amenities. These qualities will be encouraged by attracting economic development that emphasizes diversity and quality within a hometown setting of human scale.

B. LAND USE

A critical mass of retail uses and services is essential to the economic vitality of the Downtown area.

The Downtown area is appropriate for a wide variety of permitted uses. The area's economic vitality and identity as a commercial center will depend upon its ability to establish and retain a critical mass of retail uses and services, primarily located west of 3rd Street. If this objective is not reached, it relegates the Downtown to a weaker and narrower commercial focus (i.e., restaurant and offices only) and lessens the opportunities and reasons for Kirklanders to frequent the Downtown.

The enhancement of the area for retail and service businesses will best be served by concentrating such uses in the pedestrian core and shoreline districts and by encouraging a substantial increase

in the amount of housing and office floor area either within or adjacent to the core. In implementing this land use concept as a part of Downtown's vision, care must be taken to respect and enhance the existing features, patterns, and opportunities discussed in the following plan sections on urban design, public facilities, and circulation.

Land use districts in the Downtown area are identified in Figure C-3.

Figure C-3 identifies five land use districts within the Downtown area. The districts are structured according to natural constraints such as topographical change, the appropriateness of pedestrian and/or automobile-oriented uses within the district, and linkages with nearby residential neighborhoods and other commercial activity centers.

CORE AREA

Pedestrian activity in the core area is to be enhanced.

The core area should be enhanced as the pedestrian heart of Downtown Kirkland. Land uses should be oriented to the pedestrian, both in terms of design and activity type. Appropriate uses include retail, restaurant, office, residential, cultural, and recreational.

Restaurants, delicatessens, and specialty retail shops, including fine apparel, gift shops, art galleries, import shops, and the like constitute the use mix and image contemplated in the Vision for Downtown. These uses provide visual interest and stimulate foot traffic and thereby provide opportunities for leisure time strolling along Downtown walkways for Kirklanders and visitors alike.