



**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Planning Commission

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

Date: October 16, 2008

Subject: **PUBLIC HEARING - FILE ZON07-00012 and FILE07-00019
ORNI AND ALTOM PRIVATE AMENDMENT REQUESTS**

I. RECOMMENDATION

- A. Conduct a public hearing on the Orni and Altom Private Amendment Requests
- B. Recommend to the City Council text and map revisions to Comprehensive Plan and Zoning Code based on the staff analysis described in Section VI below.

II. DESCRIPTION OF REQUESTS

A. Orni Private Amendment Request: (see Attachment 1 – Site B) - Kathy Orni has submitted a private amendment request (PAR) to amend the City of Kirkland Comprehensive Land Use Map from High Density Residential (HDR) to Office/Multifamily (O/MF) and to rezone the parcels at 825, 903, and 911 5th Avenue from the Planned Area 5D (PLA 5D) zone to the Planned Area 5C (PLA 5C) zone. The amendment would allow an increase in permissible building height above average building elevation (ABE) from 4 stories or 40 feet whichever is less up to the lower of 6 stories or 60 feet above ABE. An accompanying Zoning Code amendment would allow a reduction of building setbacks where PLA 5C development abuts low-density single family uses in the PLA 5A zone.

Orni FEIS Review Alternative for the Hearing: Having considered the Orni PAR over the past several months at study sessions and public hearings, the Planning Commission has developed potential amendments to the Comprehensive Plan and Zoning Code for review in the FEIS and at the October 22nd public hearing and for eventual consideration by the City Council. In summary, the amendments include:

Comprehensive Plan:

The draft amendments to the Planned Area 5 section of the Moss Bay Neighborhood Plan (Attachment 2) include the following key revisions:

- Amends Planned Area 5D to allow mixed use office and residential development.
- Removes reference to greater height limitation, large setbacks and limitation of horizontal dimensions adjacent to single family dwellings in Planned Area 5A.

In addition, various other minor text edits to Planned Area 5 are included. Note that additional changes to the text of the Downtown Plan in the Moss Bay Neighborhood Plan are under consideration with the Parkplace PAR.

Zoning Map and Zoning Code:

The draft amendments to the Kirkland Zoning Code (Attachments 3 & 4) include the following key revisions:

Uses: The PLA 5D existing zoning will be maintained, but an additional mixed use listing (residential and office) will be added for Area B only. This listing will require that more than 50% of the building area on the site be residential. An office only development as proposed by the applicant will not be allowed.

Height Allowances: The maximum height limit for the new mixed use listing will be 4 stories or 40 feet above ABE, whichever is less. This is consistent with the existing code, which presently allows multifamily buildings up to 4 stories or 40 feet above average building elevation (ABE), whichever is less if the site is at least one acre, otherwise 30' ABE is allowed.

Setback Requirements: A special regulation will be added requiring office uses to be setback at least 15' from residential uses on adjoining properties. Buildings containing office uses that are over 30 feet in height must set back portions of the building with office uses over 30' high an additional 10 feet from the property line if there are residential uses on adjoining properties. The existing code requirement for an additional setback from single family uses in PLA 5A for buildings over 30' above ABE will be removed.

Design review: Administrative design review will be a requirement for the mixed use development, but not for residential only development.

B. Altom Private Amendment Request: (see Attachment 1 – Site C) – Rhoda Altom has submitted a private amendment request to amend the Comprehensive Plan and rezone the area from Planned Area 5B (PLA 5B) to Planned Area 5C (PLA 5C). The existing Comprehensive Plan Office/Multifamily (O/MF) land use designation for the property containing a single-story office building at 220 6th Avenue will be retained. The City has expanded the area for consideration in this private amendment request to include the parcel to the north (603 4th Avenue) that contains two 2-story office buildings.

The amendment would also allow an increase in building heights from 30 feet ABE to 60 feet ABE and remove the minimum lot size requirement of 1 acre to attain this 60-foot maximum height in the PLA 5C zone.

Altom FEIS Review Alternative for Hearing:

Having considered the Altom PAR over the past several months at study sessions and public hearings, the Planning Commission has developed potential amendments to the Comprehensive Plan and Zoning Code for review in the FEIS and at the October 22nd public hearing and for eventual consideration by the City Council. In summary, the amendments include:

Comprehensive Plan:

The draft amendments to the Planned Area 5 section of the Moss Bay Neighborhood Plan (Attachment 2) include the following key revisions:

- Recommends minimum lot area of 1 acre in order to have structures that are 5 to 6 stories high.
- Removes reference to greater height limitation, large setbacks and limitation of horizontal dimensions adjacent to single family dwellings in Subarea A.

In addition, various other minor text edits to Planned Area 5 are included. Note that additional changes to the text of the Downtown Plan in the Moss Bay Neighborhood Plan are under consideration with the Parkplace PAR.

Zoning Map and Zoning Code:

The draft amendments to the Kirkland Zoning Code (Attachments 4 and 5) include the following key revisions:

- Uses: Both the existing Comprehensive Plan designation and the proposed designation are for office/multifamily uses and so a change in use is not being considered.
- Height Allowances and Lot size requirements: The existing zoning allows up to 6 stories or 60' above ABE whichever is less if the site is at least 1 acre, otherwise, 30' above ABE. The Commission has added the following lot size/height limitations to the zoning: If there is at least .4 acres developed, 40' above ABE or 3 stories whichever is less is allowed. If at least .8 acres is developed, 52' above ABE or 4 stories whichever is less is allowed.
- Design review: Administrative design review will be a requirement for all buildings over 30' above ABE in Area C.

III. BACKGROUND

In June of 2007, the Planning Commission recommended to the City Council that four private amendment requests including Touchtone, Orni, and Altom move forward for study in the 2007-2008 work program. The City Council conducted a threshold review of several private amendment requests and directed staff to begin full review of the Parkplace, Orni, and Altom PARs in July of 2007. The Planning Commission has held a number of public meetings including 3 public hearings to discuss the PARs since that time.

IV. SITE CHARACTERISTICS

A. Orni PAR (Area B)

1. Existing Site Conditions

The Orni PAR consists of 2 acres on three separate parcels addressed as 825, 903 and 911 5th Avenue. Uses in Area B consist of three 2-story office buildings that share a common driveway entrance off of 5th Avenue. Area B is bounded on the south by a pedestrian pathway that connects 4th Avenue on the west with 10th Street on the east.

2. Neighborhood Zoning and Uses

The following is a brief description of the zoning and existing uses that adjoin the subject property.

North Area B is separated from other land uses by 5th Avenue and a steep embankment up to NE 85th Street. This acts as a barrier between Area B and land uses to the north which include a mixture of industrial, office, commercial and vacant land. The zoning to the north of NE 85th Street is LIT (Light Industrial Technology).

East and South Area B is generally bounded to the east and south by multifamily uses with a couple of single-family uses mixed in. Most of the multifamily uses east and south of Area B are 2-story to 3-story buildings with surface or garage parking. A pedestrian pathway separates Area B from multifamily and single-family uses to the south. This pedestrian pathway continues north and east to connect Kirkland Way to the east. The zoning to the east is PLA 5D which is the existing zoning for Area B. The zoning to the south is PLA 5A. Both PLA 5A and PLA 5D are high density residential zones.

West Area B immediately abuts the U.S. Post Office facility to the west. Office uses are located to the west of the Post Office building. The area to the west of Area B is zoned PLA5C which is an office zone.

B. Altom PAR (Area C)

1. Existing Site Conditions

Area C consists of approximately .9 acre of land on two parcels located southeast of 6th Street and 4th Avenue. The two parcels are not connected by any interior vehicular circulation. The southern parcel is addressed as 220 6th Street and includes one single-story office building on it with access taken from 6th Street. The northern parcel, addressed as 603 4th Avenue, includes two 2-story professional office buildings and provides for vehicular access from 4th Avenue.

2. Neighborhood Zoning and Uses

The following is a brief description of the zoning and existing uses that adjoin the subject property.

North, East and South On the north, east and south of Area C are office buildings ranging in size from 2 stories to 4 stories. On the southeast corner, Area C abuts a parcel with three 3-story multifamily buildings on it. Outside of abutting properties, the area east of Area C consists generally of multifamily uses with a few government, office and single-family uses. The area south of Kirkland Way and north of Kirkland Avenue consists of a mixture of multifamily and single-family uses with a 2–story office building at the western edge where Kirkland Way and Kirkland Avenue meet. The area to the north of Area C is zoned PLA 5C, which is an office zone. The areas to the east and south are zoned PLA 5B which is also an office zone.

West Immediately to the west of Area C across 6th Street is Area A (Parkplace proposal). Southwest of Area C, on the west side of 6th Street, is a 6-story multifamily building. The zoning designation to the West is CBD 5, which is a commercial zone.

V. CURRENT COMPREHENSIVE PLAN AND ZONING

A. Orni PAR (Area B)

The subject property is located in Planned Area 5, Subarea D of the Moss Bay Neighborhood and has a High-Density Residential (HDR) Comprehensive Plan designation. This designation allows detached, attached, or stacked residential uses at up to 24 dwelling units per acre. The office uses that exist in Area B are not consistent with this Comprehensive Plan designation. The office development is considered a legally existing nonconforming use.

The subject property is zoned PLA 5D. This zone allows multifamily and non-residential uses that are typically found in residential zones, including churches, schools and daycare facilities, among others. Office and most commercial uses are not permitted in this zone.

With at least 1 acre of property, multifamily buildings can be a maximum height of the lower of 4 stories or 40 feet above ABE. Otherwise, buildings may be a maximum of 30 feet above ABE. The office uses in Area B are legally nonconforming to the City's zoning standards as a result of previous Plan and Code amendments in 1979.

B. Altom PAR (Area C)

The subject property is located in Planned Area 5, Subarea B of the Moss Bay Neighborhood and has an Office/Multifamily (O/MF) Comprehensive Plan designation. This designation is mapped in areas where both office and medium- or high-density residential uses are allowed. Uses may be allowed individually or within the same building in this designation.

The subject property is zoned PLA 5B. The zone allows a mix of multifamily and office uses, either separately, or as part of a mixed-use development with both uses. Office and multifamily buildings within the PLA 5B zone are allowed to reach a maximum of 30 feet above ABE.

VI. PRIVATE AMENDMENT REQUEST CRITERIA

Criteria found in the Zoning Code must be considered when reviewing a private amendment request.

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 for both the Orni and Altom PARs.

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

The effects of the proposed amendments have been reviewed and documented in detail by the Draft and Final Environmental Impact Statements (EIS).

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 indicated.

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 with the mitigating measures identified in the Planned Action Ordinance the public facilities and services are adequate to accommodate the proposed amendments.

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

The proposed amendments have been reviewed in the EIS for consistency of quantity and location of proposed land use type and density.

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

The proposed amendments have 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 Orni and Altom proposals 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 additional office space near Kirkland's Central Business District is consistent with this planning goal. The FEIS evaluates adequacy of public services and facilities to serve the potential development and concludes that they are adequate.

- *Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.*

Both sites are within walking 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 FEIS.

- *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 proposals present an economic development opportunity for the City of Kirkland in an area that has public services and public facilities to accommodate that development (see FEIS).

- *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 proposals have undergone 16 months of intensive public process in community meetings, open houses, 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 proposals have been reviewed through the FEIS for adequacy of facilities and services to support the development. With mitigating measures, the developments will meet Kirkland's levels of service.

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

The amendments are 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 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 amendments have been reviewed for consistency with the Comprehensive Plan. The amendments are generally consistent with the Moss Bay Neighborhood Plan for Planned Area 5 which is designated for high-density residential and office uses.

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 requests are approved they will provide the long-term community benefit of contributing to the employment base in the downtown area of Kirkland. 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 balance of community interests to create long-term benefits to the community as a whole is reflected in the proposed amendments. The amendments for the Orni PAR allow mixed use with additional setbacks for office uses adjacent to residential uses. Administrative design review is also required for mixed use proposals. The amendments for the Altom PAR limit maximum height allowed in relationship to the size of the site and require administrative design review for buildings over 30 feet above ABE.

C. Criteria for Rezone: KZC 130.20 establishes the criteria by which legislative rezones must be evaluated. These criteria and the relationship of the proposals 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*

Orni PAR (Area B)

Although the site is zoned for high density residential use, it has contained office uses for nearly 30 years. The three existing legally nonconforming office buildings were allowed to be built because of a legal action that was taken when the property was rezoned from office to residential. The proposed mixed use residential and office use listing that is to be added to the existing zone is a reasonable compromise which acknowledges the conditions on the site (office uses) and on neighboring properties (residential uses) and provides a reasonable transition. When the original zoning was put in place 30 years ago, the area was predominately single family. It is now predominately high density multifamily with office uses to the west.

Altom PAR (Area C)

Conditions have substantially changed since the zoning was put in place for this property 30 years ago. The nearby downtown area has redeveloped and there is more focus on urban infill and development in the area.

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

See explanation in section B.1.4 above.

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

The proposed rezones provide an opportunity to increase the employment base in the area of the downtown and derive the economic development benefits that accompany that base. It allows for a mix of uses with the potential for residential and office.

VII. ENVIRONMENTAL REVIEW

The City issued a Determination of Significance for the Touchstone, Orni, and Altom PAR's on October 16, 2007. A Draft Environmental Impact Statement was issued on April 4, 2008 with a subsequent 45 day comment period running until May 19, 2008. A public open house was held on April 16, 2008 and a public hearing was held on April 24, 2008. The Final Environmental Impact Statement was issued on October 16, 2008. The City has complied with SEPA.

The FEIS review alternative includes the proposed adoption of a Planned Action Ordinance (see Attachment 6) designating the three private amendment requests (Areas A, B, and C) as a Planned Action for the purposes of SEPA compliance, pursuant to RCW 43.21C.031(2)(a) and WAC 197-11-164. A Planned Action is intended to conduct early environmental review under SEPA so that impacts and mitigation measures for the planned development are identified up front. When a permit application and environmental checklist are submitted for Areas A, B and C, the City will first verify that:

- the project meets the description of the project designated as a Planned Action by the ordinance;
- the probable significant adverse environmental impacts have been adequately addressed in the EIS; and
- the project includes any conditions or mitigation measures outlined in the ordinance.

If the project meets the above requirements, it qualifies as a Planned Action project and a SEPA threshold determination is not required.

The City will monitor the development levels approved in the three planned action areas as follows:

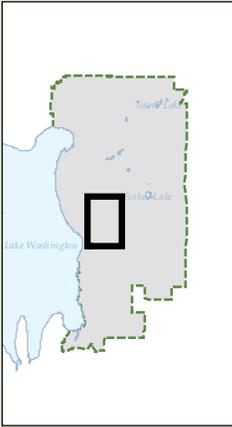
- Determine if the proposed land uses are within categories of land use studied in the EIS.
- Establish the maximum development potential for each private amendment request as reviewed in the EIS. Development potential can be expressed in square feet of development and in total vehicle trips.
- There is also a requirement for implementation of transportation management plans for development in Areas A, B, and C and associated monitoring.

VII. ATTACHMENTS

1. Vicinity Map
2. Amendments to Planned Area 5 section of the Moss Bay Neighborhood Plan
3. Amendments to PLA 5 C of the Zoning Code
4. Proposed Zoning Map
5. Amendments to PLA 5D of the Zoning Code
6. Draft Planned Action Ordinance

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File ZON07-00012, ZON07-00016 and ZON07-00019

Vicinity Map



Vicinity Map

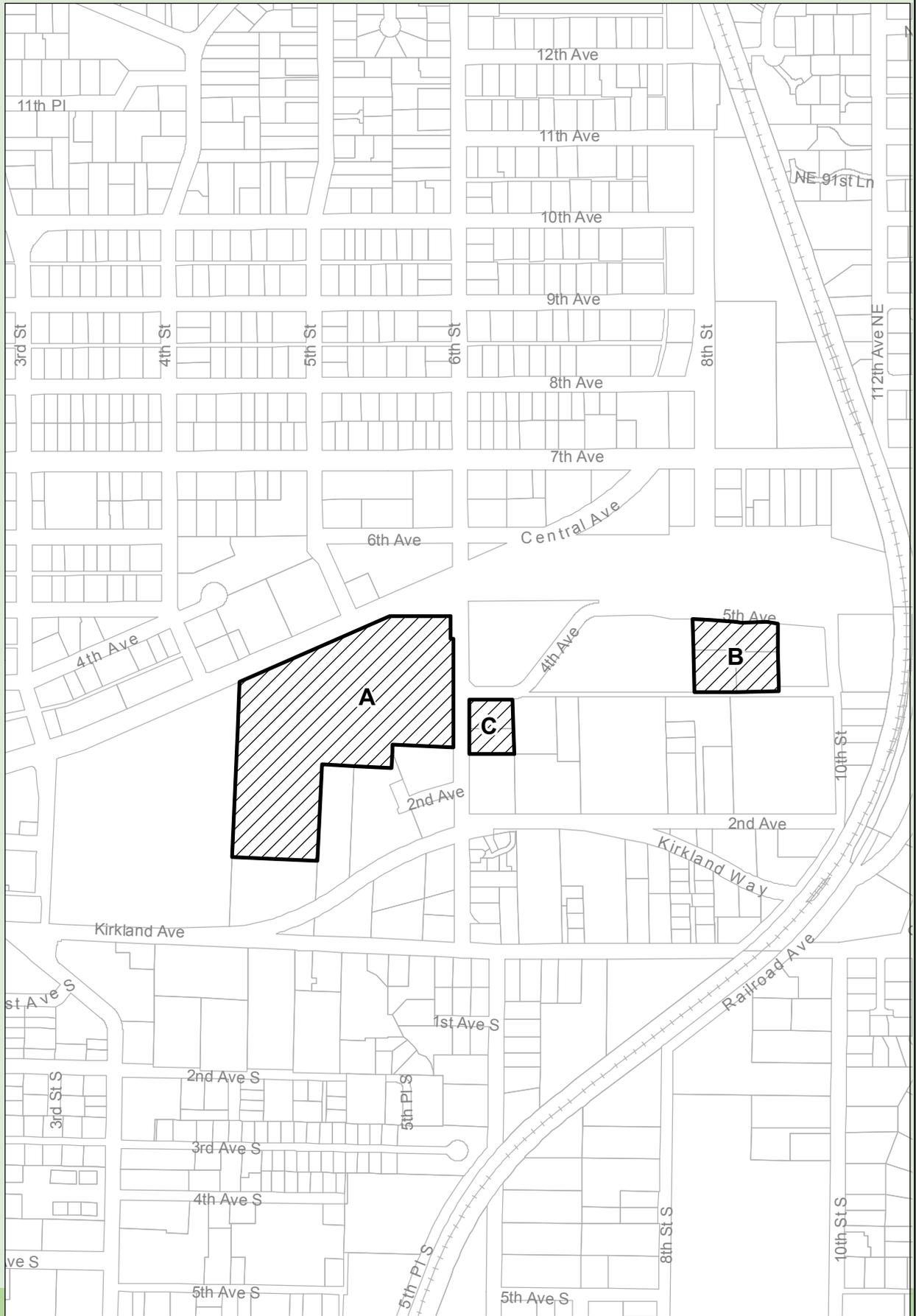


Map Legend

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



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C. PLANNED AREA 5

The following text is excerpted from the Perimeter Areas section of the Moss Bay Neighborhood Plan to illustrate potential changes related to the Orni and Altom PARs within the context of the Plan. For complete text and graphics, review the online version of the Plan from the City's webpage. Edited paragraphs are indicated in shaded text.

High-density residential and office uses permitted in Planned Area 5.

The eastern portion of the Central Neighborhood has been designated as Planned Area 5. Due to topographic conditions and circulation patterns, land in Planned Area 5 is relatively secluded. The area has been designated for high-density residential and office uses because of the ability to buffer such high-density development from other uses in the area. **The area is developed primarily in high-density residential development while limited office uses exist in the northeasternwestern portion of the area. In addition, a number of single-family homes as well as several parcels of vacant land remain in the area.** This planned area is divided into five subareas, based on the unique conditions for development within each area.

Central A Subarea

The Central A subarea of PLA 5 should be permitted to develop with high-density residential uses (up to 24 dwellings/acre). **Several If** single-family homes remain in the area, however, **and they** should be protected from incompatible high-density development. Adjacent to single-family residential development, high-density structures should be set back and limited in height and horizontal dimension.

West B Subarea

The southern portion of Subarea B is aAdjacent to 6th Street and **the entire subarea is** south of 4th Avenue,⁵ Subarea B is heavily impacted by traffic, as well as existing and future commercial uses and offices to the west. The noise and traffic make this area inappropriate for single-family use, while its ease of access and proximity to the Downtown makes it appropriate for both offices and multifamily uses at a density of up to 24 dwelling units per acre. New development in this subarea should minimize access points directly onto 6th Street. Access for offices, however, should be provided exclusively from 6th Street or 4th Avenue and precluded

from Kirkland Way. Structures should be limited to three stories in height. ~~Greater height limitation, large setbacks, and limitation on horizontal dimensions should be required adjacent to single family dwellings in Subarea A.~~

North C Subarea

Subarea C, located north of Subareas B and A, contains **office development and** the U.S. Post Office facility serving Greater Kirkland. Remaining land should develop as professional office or multifamily residential at a density of up to 24 dwelling units per acre. Structures up to five or six stories in height are appropriate here **for developments containing at least one acre.** ~~as t~~The adjacent steep hillside limits potential view obstruction from tall buildings. At the same time, taller than normal structures could themselves take advantage of views to the west while maintaining greater open area on site and enhancing the greenbelt spine. ~~Greater height limitation, large setbacks, and limitation of horizontal dimensions should be required adjacent to single family dwellings in Subarea A.~~

East D Subarea

The easternmost third of PLA 5 is identified as Subarea D. This area has developed in high-density multifamily uses ~~in recent years.~~ **There is also an existing office complex in the northwest portion of the Subarea. The future redevelopment of this site could include either high density residential or mixed use office and residential.** Remaining developable land ~~is limited to one parcel in the southeast portion of the subarea.~~ **Any other f**Future development should be multifamily residential at a density of up to 24 dwelling units per acre. ~~However, to minimize impacts of future development or redevelopment on remaining single family dwellings in Subarea A, height limitations, large setbacks, and limitation of horizontal dimensions should be required where this development is adjacent to single family homes.~~

South E Subarea

The most southerly subarea is the smallest and is somewhat isolated from the other subareas. Lying between 2nd Avenue and Kirkland Way, this area could develop with high-density multifamily residential (up to 24 units per acre). Due to sight distance problems on Kirkland Way, access to and from this area should be restricted to 2nd Avenue.

DRAFT PLA5C USE ZONE CHART

The following is excerpted from the PLA5C zone of the Zoning Code to illustrate potential changes related to the Altom PAR. For the complete text of the PLA5C zone, review the online version of the Code from the City's webpage. Edited portions are indicated in shaded text.

KZC 60.39 User Guide. The charts in KZC 60.42 contain the basic zoning regulations that apply in Planned Area 5C, including subzones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.40 - GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. If any portion of a structure is adjoining a low density use within PLA 5A, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any façade of that portion of the structure which is within 100 feet of the lot containing a low density use within PLA 5A shall not exceed 75 feet.See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
(Does not apply to Detached Dwelling Unit uses).
3. Any portion of a structure that exceeds 30 feet above average building elevation must be setback from the front property line one foot for each one foot that the portion of the structure exceeds 30 feet above average building elevation (does not apply to Detached Dwelling and Public Park uses).
- ~~4. The minimum setback from a lot containing a low density use within PLA 5A of any structure that exceeds 30 feet above average building elevation is twice the height of that structure as measured on the side of the structure closest to the lot containing a low density use within PLA 5A (does not apply to Detached Dwelling and Park uses).~~
5. If the subject property abuts the 4th Avenue right-of-way or the easterly extension of the alignment of that right-of-way to 10th Street, the following regulations apply:
 - a. The City may require the applicant to dedicate and improve land as shown in the Public Improvements Master Plan adopted by the City for this area.

- b. Any required yard of the subject property abutting the 4th Avenue right-of-way or the easterly extension of that right-of-way will be regulated as a front yard.
- c. Any required yard of the subject property abutting 5th Avenue will be regulated as a rear yard.
- d. Service and parking areas must, to the maximum extent possible, be located and oriented away from the 4th Avenue right-of-way unless primary vehicular access to the subject property is directly from that right-of-way. (Does not apply to Public Park uses).

USE ZONE CHART

Section 60.42.030

Use: Office Use

Required Review Process: If the development is on one of the three properties located at the southeast corner of 4th Avenue and 6th Street then Administrative Design Review for buildings over 30' above average building elevation, Chapter 142 KZC; Otherwise, none.

Minimums:

Lot Size: None

Required Yards: Front: 20'; Side: 5', but 2 side yards must equal at least 15'; and Rear: 10'

Maximums:

Lot Coverage: 70%.

Height of Structures:

- If the development contains at least 1 acre, then the lower of 6 stories or 60 feet above average building elevation.
- If the development is on one of the three properties located at the southeast corner of 4th Avenue and 6th Street and contains at least .8 acres, then the lower of 4 stories or 52' feet above average building elevation.
- If the development is on one of the three properties located at the southeast corner of 4th Avenue and 6th Street and contains at least .4 acres, then the lower of 3 stories or 40 feet above average building elevation.

- Otherwise, 30 feet above average building elevation.

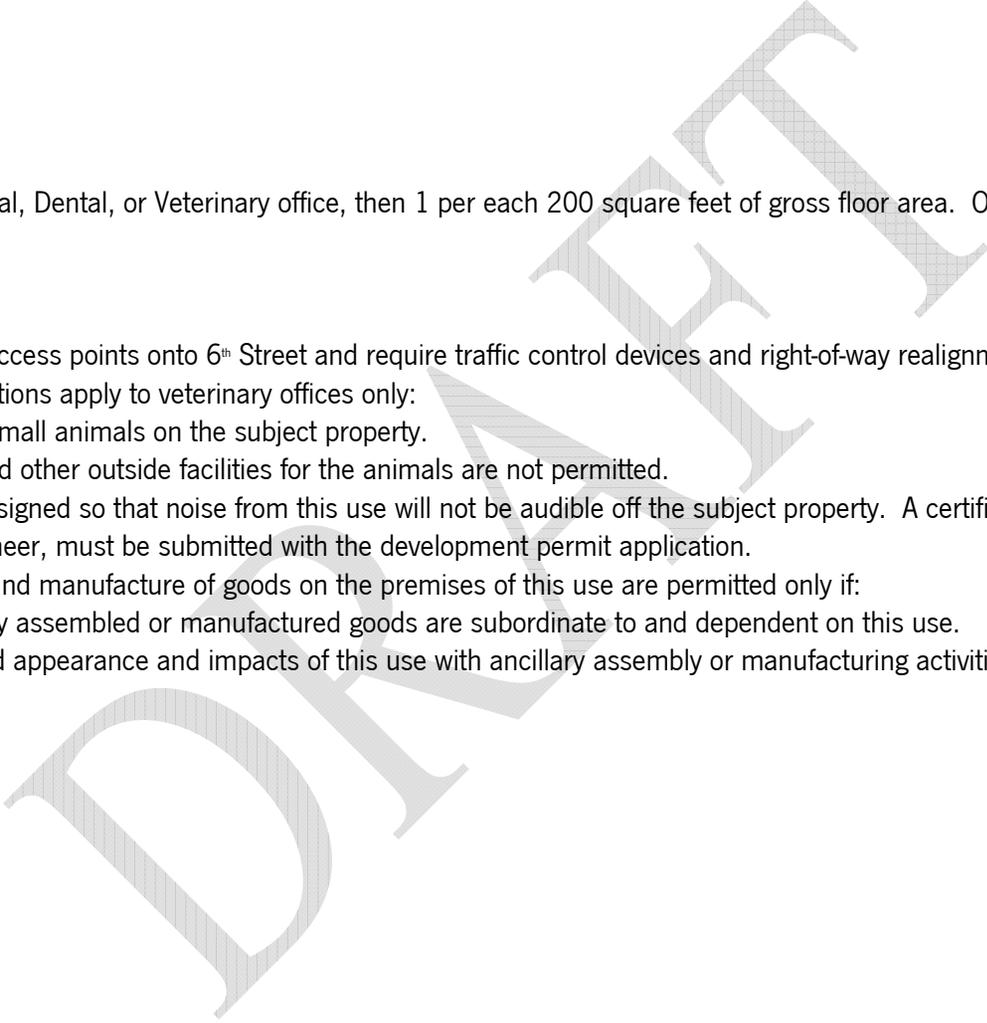
Landscape Category: C

Sign Category: D

Required Parking: If a Medical, Dental, or Veterinary office, then 1 per each 200 square feet of gross floor area. Otherwise, 1 per each 300 square feet of gross floor area.

Special Regulations:

1. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment.
2. The following regulations apply to veterinary offices only:
 - a. May only treat small animals on the subject property.
 - b. Outside runs and other outside facilities for the animals are not permitted.
 - c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application.
3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:
 - a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.
 - b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.



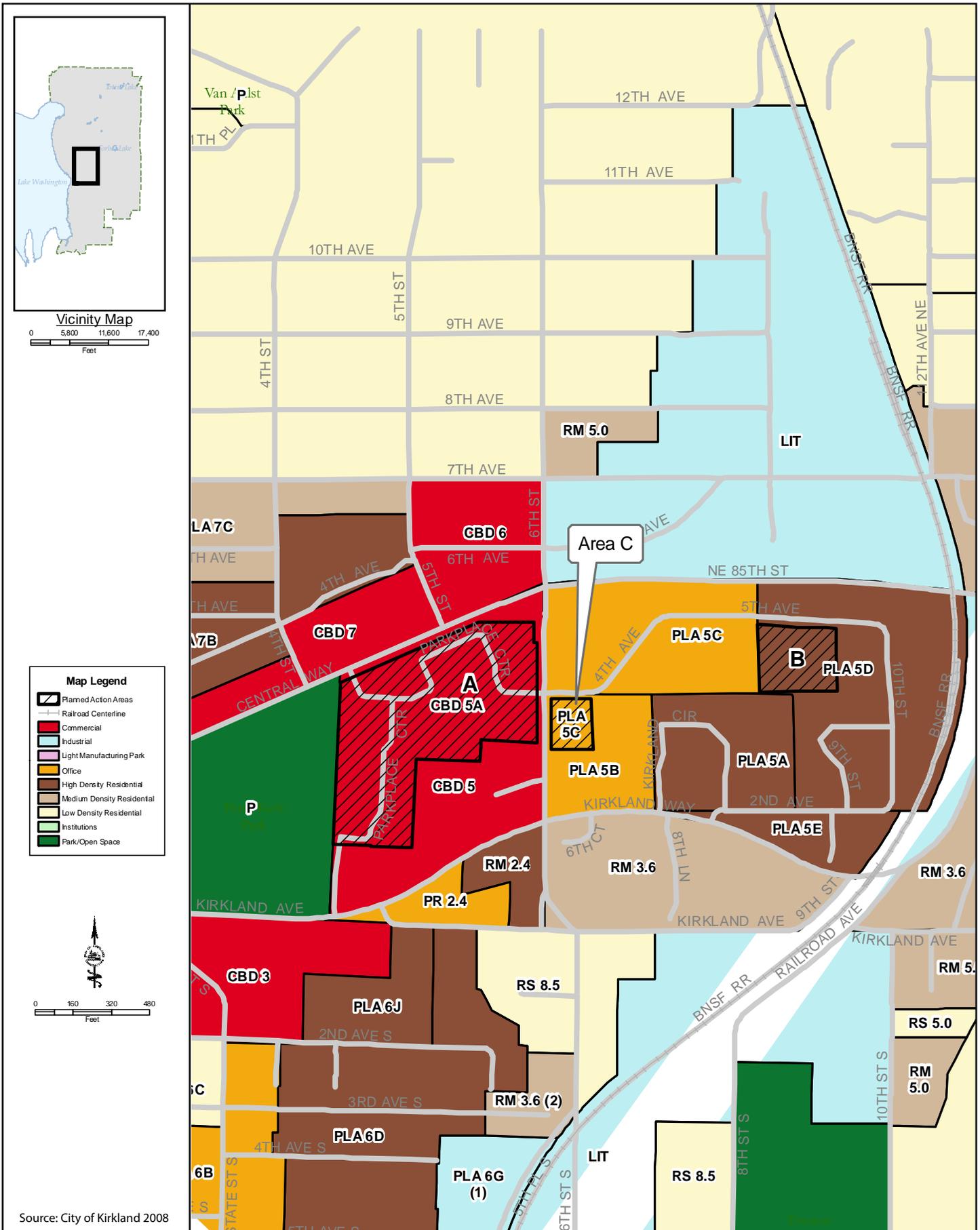


Figure 2-4
FEIS Review Alternative Zoning Map Amendments

DRAFT PLA5D USE ZONE CHART

The following is excerpted from the PLA5D zone of the Zoning Code to illustrate potential changes related to the Orni PAR. For the complete text of the PLA 5D zone, review the online version of the Code from the City's webpage. Edited portions are indicated in shaded text.

KZC 60.44 User Guide. The charts in KZC 60.47 contain the basic zoning regulations that apply in the Planned Area 5D, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.45 - GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. If any portion of a structure is adjoining a low density use within PLA 5A, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any façade of that portion of the structure which is within 100 feet of the lot containing a low density use within PLA 5A shall not exceed 75 feet.

See KAC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
(Does not apply to Detached Dwelling Unit uses).
3. Any portion of a structure that exceeds 30 feet above average building elevation must be setback from the front property line one foot for each one foot that the portion of the structure exceeds 30 feet above average building elevation (does not apply to Detached Dwelling and Public Park uses).
- ~~4. The minimum setback from a lot containing a low density use within PLA 5A of any structure that exceeds 30 feet above average building elevation is twice the height of that structure as measured on the side of the structure closest to the lot containing a low density use within PLA 5A (does not apply to Detached Dwelling and Park uses).~~
5. If the subject property abuts the 4th Avenue right-of-way or the easterly extension of the alignment of that right-of-way to 10th Street, the following regulations apply:
 - a. The City may require the applicant to dedicate and improve land as shown in the Public Improvements Master Plan adopted by the City for this area.

- b. Any required yard of the subject property abutting the 4th Avenue right-of-way or the easterly extension of that right-of-way will be regulated as a front yard.
- c. Any required yard of the subject property abutting 5th Avenue will be regulated as a rear yard.
- d. Service and parking areas must, to the maximum extent possible, be located and oriented away from the 4th Avenue right-of-way unless primary vehicular access to the subject property is directly from that right-of-way. (Does not apply to Public Park uses).

USE ZONE CHART

Section 60.47.XXX (new listing)

Use: Development containing over 50% of its square footage of floor area in Stacked or Attached Dwelling Units and the remainder in Office Uses (Veterinary office is not permitted). See Special Regulation #1 and 2.

Required Review Process: Administrative Design Review, Chapter 142 KZC.

Minimums:

Lot Size: 3600 square feet with at least 1,800 square feet per unit.

Required Yards: Front: 20'; Side: 5', but 2 side yards must equal at least 15'; and Rear: 10' See Special Regulations #3, #4 and #6.

Maximums:

Lot Coverage: 70%.

Height of Structures:

- If the development contains at least 1 acre, then the lower of 4 stories or 40 feet above average building elevation, Otherwise, 30' above average building elevation.

Landscape Category: C

Sign Category: D

Required Parking: 1.7 per residential unit. If a Medical or Dental office, then 1 per each 200 square feet of gross floor area. Otherwise, 1 per each 300 square feet of gross floor area.

Special Regulations:

1. This use listing only applies to development of the 3 properties located in the westernmost portion of the Planned Area 5D zone, south of 5th Avenue.
2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. (This is an existing special regulation for multi family uses in this zone.)
3. Office use has a minimum setback of 15' from the property line of a lot containing a residential use; any portion of the office building higher than 30' above average building elevation must be setback an additional 10 feet.
4. Chapter 115 KZC contains regulations regarding common recreational space requirements for this use. (This is an existing special regulation for multi family uses in this zone.)
5. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. (This is an existing special regulation for multi family uses in this zone.)
6. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot. (This is an existing special regulation for multi family uses in this zone.)
7. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:
 - a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.
 - b. Outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

DRAFT ORDINANCE _____

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

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

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

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

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

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

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

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

- A. The City is subject to the requirements of the Growth Management Act, RCW 36.70A, and is located within an Urban Growth Area;
- B. The City has adopted a Comprehensive Plan complying with the GMA;
- C. The City is adopting development regulations applicable to the proposed development concurrent with adoption of this Planned Action Ordinance to address many of the impacts of future development;
- D. The City has prepared an EIS complying with SEPA for the area designated as a Planned Action (“Planned Action EIS”) and finds that it adequately addresses the probable significant environmental impacts associated with the type and amount of development planned to occur in the designated Planned Action area;
- E. The mitigation measures identified in the Planned Action EIS are attached to this Ordinance as Exhibit B. These mitigation measures, together with City development regulations, will adequately mitigate significant impacts from development within the Planned Action area;
- F. The Planned Action EIS and this Ordinance identify the location, type and amount of development that is contemplated by the Planned Action;
- G. Future projects that are consistent with the Planned Action will protect the environment, benefit the public and enhance economic development;
- H. The City has provided numerous opportunities for meaningful public involvement in the proposed Planned Action; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments;
- I. The proposal is not an essential public facility as defined by RCW 36.70A.200(1);
- J. The Planned Action area applies to a defined area that is smaller than the overall City boundaries; and
- K. Public services and facilities are adequate to serve the proposed Planned Action.

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

A. Planned Action Area. The Planned Action designation shall apply to the three areas in the Moss Bay Neighborhood as are specifically shown in Exhibit A, “Planned Action Area”: the 11.5 acres of property at 457 Central Way known as the Parkplace Mall and generally located east of Peter Kirk Park (Area A on Exhibit A); the

three parcels located at 825, 903, and 911 Fifth Avenue totaling approximately 2.0 acres of land (Area B on Exhibit A); and the parcel at 220 6th Street and the parcel at 603 4th Avenue to the north on 0.9 acres of land (Area C on Exhibit A). Additionally, the Planned Action designation shall apply to any off-site improvements necessitated by proposed development on the subject sites, where the off-site improvements have been analyzed in the Planned Action EIS.

B. Environmental Document. A Planned Action determination for a site-specific permit application shall be based on the environmental analysis contained in the Draft Planned Action EIS issued by the City on April 4, 2008, and the Final Planned Action EIS published on October 14, 2008. The mitigation measures contained in Exhibit B, which is attached hereto and adopted by reference as though fully set forth herein, are based upon the findings of the Draft and Final EISs and shall, along with existing City codes, ordinances, and standards, provide the framework that the City will use to impose appropriate conditions on qualifying Planned Action projects. The Draft and Final EISs shall comprise the Planned Action EIS.

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

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

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

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

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

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

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

(2) *Land Use Review Threshold.*

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

Land Use	Area A (Parkplace)	Area B (Orni)	Area C (Altom)
Office	1,200,000 sq. ft.	124,825 sq.ft.	101,234 sq.ft. ³
Residential	<i>Not Analyzed</i>	49 dwelling units ²	20 units
Retail/Commercial ₁	592,700 sq.ft. ⁴	<i>Not Analyzed</i>	<i>Not Analyzed</i>
Total	1,792,700 sq.ft.	124,825 sq.ft 49 dwelling units	101,234 sq.ft. 20 dwelling units

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

2. The residential square footage must be more than 50% of the total square footage as a precondition for constructing 124,825 s.f. of office use.

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

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

(b) If future development proposals in the Planned Action Area exceed the maximum development parameters reviewed in the Planned Action EIS, further environmental review may be required under SEPA, as provided in WAC 197-11-172. If proposed plans significantly change the location of development or uses in a manner that would alter the environmental determinations in the Planned Action EIS, additional SEPA review would also be required. Shifting development proposals between categories of land uses may be permitted so long as the resulting development does not exceed the trip generation thresholds (see sub-section 6(a) below) reviewed in the Planned Action EIS and does not exceed the proportions or minimums noted in sub-section 2(a) above.

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

(6) *Transportation.*

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

Trip Generation – Net New Trips Reviewed in Planned Action EIS

Time	Area A (Parkplace) Range- Net New Trips	Area B (Orni) Range – Net New Trips	Area C (Altom) Range – Net New Trips
PM Peak Hour	3,531	210	174

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

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

(d) *Transportation improvements.*

(i) Intersection Improvements. The Planned Action will require off-site transportation improvements identified in Exhibit B to mitigate significant impacts. These transportation improvements have been analyzed in the Planned Action EIS. Significant changes to the City’s transportation improvement plan proposed as part of any Planned Action Project that have the potential to significantly increase impacts to air quality, water quality, fisheries resources, noise levels or other factors beyond the levels analyzed in the Planned Action EIS may require additional SEPA review.

(ii) Transportation Management Program. The owners or operators of development projects within Areas A, B and C shall prepare and implement Transportation Management Programs (TMP) as a means to encourage alternatives to single-occupant vehicles including transit and to thereby reduce traffic generation and parking demand. The TMP for Area A shall include the TMP elements identified in the transportation

mitigation measures in the Planned Action EIS, attached as Exhibit B to this ordinance. The City Public Works Director shall have the discretion to modify the individual elements of a TMP as a means to accomplish its objectives and to enhance its effectiveness.

(iii) *Parking Management.* Parking to support development within Areas A, B and C shall be provided as required by Kirkland Zoning Code Chapter 105., Consistent with the incentive provision of 105.103.3c of the aforementioned zoning code, a developer may choose to reduce the number of parking spaces based on a demand and utilization study prepared by a licensed transportation engineer. The City's transportation engineer must approve the scope and methodology of the study as well as the effectiveness of the TMP and parking management measures.

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

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

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

E. Planned Action Review Criteria.

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

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

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

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

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

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

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

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

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

F. Effect of Planned Action.

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

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

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

G. Planned Action Permit Process. The City's Planning and Community Development Director or designee shall review projects and determine whether they meet the criteria as Planned Actions under applicable state, federal, local laws, regulations, codes and ordinances. The procedures shall consist, at a minimum of the following:

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

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

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

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

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

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

(8) Projects that fail to qualify as Planned Actions may incorporate or otherwise use relevant elements of the Planned Action EIS, as well as other relevant SEPA documents, to assist in meeting SEPA requirements. The SEPA

Responsible Official may limit the scope of SEPA review for the non-qualifying project to those issues and environmental impacts not previously addressed in the Planned Action EIS.

H. Development Agreements. The City or an applicant may request consideration and execution of a development agreement for a Planned Action project. The development agreement may address the following: review procedures applicable to a planned action project; permitted uses; mitigation measures; construction, financing and implementation of improvements, including methods of financing and proportionate shares, and latecomers agreements; payment of impact fees; phasing; and any other topic that may properly be considered in a development agreement consistent with RCW 36.70B.170 et seq.

I. Monitoring and Review.

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

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

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

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

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

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

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

Signed in authentication thereof this _____ day of _____, 2008.

MAYOR

Attest:

City Clerk

Planned Action Ordinance Mitigation Measures

Table 3.4-18. Potential Capacity Improvements to Address Impacts

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

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

¹TIA = Traffic Impact Analysis; Conc = Concurrency

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

Police

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

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

Water

No Action

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

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

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

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

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

Proposed Action and FEIS Review Alternative

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

Transportation Management Plan and Parking Management Plan

Purpose

The applicant shall be required to implement a Transportation Management Plan (TMP). The purpose of the TMP is to reduce drive alone¹ (single-occupant) vehicle trips generated by the development and also to reduce the demand for parking. The provisions of the TMP will apply to the site as a whole unless individual provisions are clearly intended to apply to individual buildings or individual tenants within individual buildings.

Trip Reduction Measures

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

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

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

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

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

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

Parking Management Measures

Parking management measures shall be implemented along with the TMP to ensure that parking is shared among the various land uses, to reduce drive alone commute trips and to prevent parking from being used by commuters to other businesses or the transit center (also known as “hide and ride”). The following measures shall be implemented:

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

neighborhoods. The applicant shall monitor off-site parking as described in the *Monitoring* section below. If unacceptable off-site parking attributable to the project occurs, the site will be required to implement additional measures outlined in the *Remedy* section.

Monitoring

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

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

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

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

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

Remedy

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

- Modify on-site parking management programs to eliminate spillover.

- Increase distribution of transit passes. This may extend to all employees within the site.
- Increase incentives for employees who walk or bike to work.
- Increase incentives for carpools.
- Change the price of parking.
- Modify Phase Two construction to either limit the amount of building space constructed or increase parking for the site.
- Post parking time limits on affected streets.
- Provide off-site parking and shuttle services.

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