



CITY OF KIRKLAND

Planning and Community Development Department
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MEMORANDUM

To: Planning Commission

From: Angela Ruggeri, AICP, Senior Planner

Date: June 3, 2010

Subject: DRAFT SUPPLEMENTAL PLANNED ACTION ENVIRONMENTAL IMPACT STATEMENT – TOUCHSTONE (PARK PLACE)
FILE NUMBER: ZON07-00016

I. RECOMMENDATION

Receive presentation from the City's consultant team, ICF International, on the Draft Supplemental Environmental Impact Statement (DSEIS). No action is requested at this time.

II. BACKGROUND DISCUSSION

There is a petition before the Growth Management Hearings Board relating to the proposed Parkplace project. The petitioners, Davidson Serles and Continental Plaza, sought review of Ordinance Nos. 4170 and 4171 which amended the Comprehensive Plan and Zoning Code in association with the private amendment request for the Parkplace project. The ordinances were passed in December 2008. The petitioners challenged the ordinances on a number of grounds: lack of compliance with the State Environmental Policy Act; inadequate service by transportation and other public facilities; lack of financing plans for capital improvements; intensity of development inconsistent with the County-wide Planning Policies for King County; and inadequate public facilities.

The Hearings Board issued its decision in October 2009. While it found in favor of the City and upheld the ordinances with respect to most of the petitioners' objections, the Hearings Board found that: 1) the Final Environmental Impact Statement failed to include reasonable alternatives to the Touchstone proposal, including offsite alternatives; and 2) the Comprehensive Plan requires amendments to its Capital Facilities and Transportation Elements to include all necessary capital improvements and a multi-year financing plan based on the ten-year transportation needs identified in the Comprehensive Plan. It is important to note that the Hearings Board did not invalidate the ordinances; rather it remanded them to the City for the purpose of correcting the issues identified by the Hearings Board. The Hearings Board initially gave the City six months to comply,

however, later agreed to the City's request for additional time to allow the City Council to consider the proposed legislative amendments by October 5, 2010.

III. DRAFT SUPPLEMENTAL EIS

On October 16, 2008, the City of Kirkland completed the Downtown Area Planned Action Final Environmental Impact Statement (FEIS) addressing Parkplace and two other properties in its vicinity. The new Draft Supplemental Planned Action Environmental Impact Statement (DSEIS) is a supplement to that 2008 FEIS.

The City is considering alternative locations for accommodating additional commercial growth in or near Downtown Kirkland. The City previously studied additional employment growth and adopted ordinances approving the Touchstone (Parkplace) Private Amendment Request in 2008. The DSEIS has been prepared to review alternatives for growth on the Parkplace site to comply with the Central Puget Sound Growth Management Hearings Board order and State Environmental Policy Act Rules, which require consideration of off-site alternatives for legislative actions and private rezones in some situations.¹

In light of the new alternatives, the City should reevaluate its previous approval of the Touchstone (Parkplace) Comprehensive Plan and Zoning and Municipal Code amendments using the additional information provided in this DSEIS. Following study of this new information, the City should consider adopting:

- Amendments to the City of Kirkland Comprehensive Plan and Kirkland Zoning and Municipal Codes to allow for 954,000 additional square feet of retail and office uses in or near Downtown.
- A Planned Action Ordinance to facilitate future environmental review of selected properties in Downtown.

In addition, the City is considering amendments to the Transportation and Capital Facilities Elements of the Comprehensive Plan to include all necessary capital improvements and a multi-year financing plan based on the 10-year transportation needs identified in the Comprehensive Plan, including those supporting Downtown growth.

The City is also considering techniques that can be used to impose mitigation requirements on project applicants and implementation tools to ensure financing of transportation improvements. Such tools may include revisions to the Planned Action Ordinance or take the form of a development agreement with one or more property owners consistent with RCW 36.70B.170, or a similar technique.

¹ See WAC 197-11-440 (5)(d), as well as Central Puget Sound Growth Management Hearings Board Case, *Davidson Serles v. City of Kirkland* (October 5, 2009), Case No. 09-3-0007c.

The DSEIS alternatives would vary the location of additional growth in Downtown. The DSEIS Alternatives are additional options to those considered in the 2008 FEIS. The DSEIS alternatives not previously studied in the 2008 FEIS include a Superblock Alternative, Unified Ownership Alternative, and Off-Site Alternative. In addition, the DSEIS compares the three new alternatives to the same No Action Alternative studied in 2008.

It should be noted that the new alternatives do not constitute specific development proposals. No applications have been submitted, and the new alternatives do not presume to reflect the intentions of individual property owners or the availability of specific properties. Rather, the new alternatives evaluate different ways that additional office and retail growth could possibly be located in and near Downtown.

The DSEIS was issued on May 27, 2010. Paper copies were sent to the Planning Commission at that time and the document was also posted to the City's website. The City's environmental consultant will be at the Planning Commission meeting to explain the study and answer any questions the Commission may have.

IV. SCHEDULE

Planning Commission Public Hearing – June 24, 2010
End of 30-day comment period for DEIS – 5:00 p.m., June 28, 2010
Final SEIS issue date – August 20, 2010
Planning Commission Study Session & Action – August 26, 2010
City Council Study Session – September 21, 2010
City Council Action – October 5, 2010

V. FUTURE PLANNING COMMISSION MEETINGS

On June 24, 2010, the Planning Commission will have a public hearing to take comment on the amendments to the Comprehensive Plan, Municipal Code and Zoning Code text and associated map changes described in Section III above. Eric Shields will be there as SEPA responsible official to hear comments on the DSEIS. The Planning Commission will then direct staff on any changes to the proposed amendments.

The Final SEIS will be issued on August 20, 2010 and the Planning Commission will discuss it at their August 26 meeting. At that meeting, they will also decide on their recommendation to the City Council, which will be presented at the Council's study session on September 21, 2010. The Planning Commission may recommend one of the following:

- Re-adoption of the existing ordinances which were adopted by the Council in 2008.

- Changes to the existing ordinances based on the Final SEIS. If this is the case, the new ordinances will be required to go through an additional public process including noticing and public hearings prior to being reviewed by the Council.

The Planning Commission will also be making a recommendation on the amendments to the Capital Facilities and Transportation Elements to the Comprehensive Plan that the Growth Management Hearings Board decision required.

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File ZON07-00012
File ZON07-00016
File ZON07-00019