



MEMORANDUM

To: Planning Commission

From: Angela Ruggeri, AICP, Senior Planner

Date: June 17, 2010

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

I. RECOMMENDATION

Receive public testimony on the Draft Supplemental Environmental Impact Statement and proposed Comprehensive Plan amendments. No action is requested at this time.

II. BACKGROUND DISCUSSION

In December, 2008, the City Council adopted Ordinance Nos. 4170 and 4171 (see Attachments 1 and 2) which amended the Comprehensive Plan and Zoning Code in association with a private amendment request for the Parkplace property. Shortly thereafter, two parties, Davidson Serles and Continental Plaza, appealed the City's decision to the Puget Sound Growth Management Hearings Board. The appellants 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 (see Appendix B of the Draft Supplemental Planned Action EIS for proposed amendments). 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 DSEIS considers 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

The DSEIS alternatives consist of different locations in or near Downtown Kirkland for accommodating the same amount of growth analyzed on the Parkplace site 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.

Attachment 4 is a memo from Lisa Grueter, Senior Planner with ICF International, the City's EIS consultants. Ms. Grueter's memo was written in response to a Planning Commissioner request for a clearer explanation of the relationship of the 2008 FEIS alternatives to those in the 2010 DSEIS.

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 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

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.

consistent with RCW 36.70B.170, or a similar technique (see Attachment 3 for the approved Planned Action Ordinance for the Touchstone (Parkplace) project).

The DSEIS was issued on May 27, 2010. Paper copies were sent to the Planning Commission at that time and the document was posted on the City's website. The City's environmental consultant also gave a presentation explaining the DSEIS to the Planning Commission at their June 10 study session.

IV. PLANNING COMMISSION ACTION

The Planning Commission will hear public comment on the DSEIS and Comprehensive Plan Amendments at the public hearing on June 24 (see Attachment 7). Eric Shields will also be there as SEPA responsible official to hear comments on the DSEIS. If for any reason the hearing needs to be continued, it will be continued to the meeting of July 8th.

The Final SEIS will be issued on August 20. The Planning Commission will meet on August 26 to discuss the Final SEIS. The Commission will use the additional information provided in the Final SEIS in making recommendations to the City Council on the Touchstone (Parkplace) amendments and on the amendments to the Transportation and Capital Facilities Chapters of the Comprehensive Plan as required by the Growth Management Hearings Board. There are also proposed corrections to the growth capacity figures on two charts in the Comprehensive Plan - one in the Introduction and one in the Land Use Chapter of the Plan (see Attachment 6).

The Planning Commission's recommendation will be presented at the City Council's study session on September 21, 2010 and will include two parts:

Touchstone (Parkplace) proposal:

The Planning Commission will have the following recommendation options:

- **Option 1:** Recommend re-adopting the two ordinances which allow for 954,000 additional square feet of retail and office uses on the Parkplace site which were already adopted by the City Council in December 2008. These ordinances included:
 - Amendments to the City of Kirkland Comprehensive Plan (see Attachment 1 – Ordinance #4170)
 - Amendments to Kirkland Zoning (see Attachment 2 – Ordinance #4171)

These ordinances are presently still in effect. The Growth Management Hearings Board decision did not invalidate them. It remanded them to the City for the purpose of correcting the issues identified by the Hearings Board.

Ordinance # 4175 (see Attachment 3) is that Planned Action Ordinance that was also adopted in December of 2008 to facilitate future environmental review of the Parkplace site. This ordinance was not part of the appeal to the Growth Management Hearings Board. It is also still in effect and will not need to be re-adopted.

- **Option 2:** Recommend that changes be considered to the existing ordinances.
 - If the Council determines that a change should be considered to the existing ordinances, the ordinances will remain in place until the City goes through a new public process to review and adopt any proposed changes.

The Growth Management Hearings Board has required the City to comply with its order by October 5, 2010. If it is determined that changes are to be made to the ordinances, the City will need to go back to the Hearings Board with this decision and request additional time for completion of their requirements.

Comprehensive Plan amendments relating to other issues:

The Planning Commission will also be making a recommendation on the additional amendments to the Transportation and Capital Facilities Chapters 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 that were required by the Growth Management Hearings Board. The proposed changes to the charts and figures in the Comprehensive Plan are shown in Appendix B to the DSEIS. General wording changes to the text of those chapters are included as Attachment 5 to this memo.

An update to the Comprehensive Plan Introduction and Land Use Chapters will also be included in the proposed ordinance. The amendments will be to Table I-7 and LU-4 in the Kirkland Comprehensive Plan, specifically the "Available Capacity" column since the 3 approved proposals added growth capacity (see Attachment 6). The figures in Tables I-7 and LU-4 will also be brought into conformance with each other, to correct slight discrepancies in how the "Available Capacity" column was handled.

V. 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

Attachments:

1. Ordinance 4170
2. Ordinance 4171
3. Ordinance 4175
4. Memo from Lisa Grueter
5. Comprehensive Plan amendments related to Transportation and Capital Facilities Chapters
6. Comprehensive Plan amendments related the Introduction and Land Use Chapter
7. Letter from Kenneth H. Davidson

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File ZON07-00019

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ORDINANCE NO. 4170

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 3481 AS AMENDED, TO IMPLEMENT CHANGES TO THE DOWNTOWN PLAN SECTION OF THE MOSS BAY NEIGHBORHOOD PLAN AND THE TRANSPORTATION ELEMENT, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00016.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission 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 November 20, 2008, and bearing Kirkland Department of Planning and Community Development File No. ZON07-00016; and

WHEREAS, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, held public hearings on April, 24, 2008, June 12, 2008, and October 23, 2008 on the amendment proposals and considered the comments received at said hearings; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a Planned Action Environmental Impact Statement. The draft of which was issued on April 4, 2008, and the final of which was issued on October 16, 2008 by the responsible official pursuant to WAC 197-11-400 through 197-11 560; 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; and

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

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

- A. Section IX. Transportation Element:
Amendments to Table T-6: State Routes as set forth in **Exhibit A** attached to this ordinance and incorporated by reference.
- B. Section IX. Transportation Element:
Amendments to Table T-7: Signalized State Route Intersections as set forth in **Exhibit B** attached to this ordinance and incorporated by reference.
- C. Section XV.D. Moss Bay Neighborhood:

Amendments to 3. Downtown Plan as set forth in **Exhibit C** attached to this ordinance and incorporated by reference.

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 full force and effect five days from and after its passage by the City Council and publication pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council as required by law.

Section 4. A complete copy of this ordinance 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 open meeting this 16th day of December, 2008.

SIGNED IN AUTHENTICATION THEREOF this 16th day of December, 2008.



Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney

Table T-6 State Routes

State Route		PM Peak Hour Two-Way Traffic Volumes					WSDOT RCA-LOS		
I-405									
		Roadway Capacity 2005/2022	Existing 2006 PM Peak Hour	Forecasted 2022 Traffic Volumes	Existing AADT	2022 AADT	Adopted LOS Standard	Existing 2005 V/C LOS	Future 2022 V/C LOS
From	To								
NE 39th St.	NE 70th St.	15,000/19,000	14260	19423	199870	271635	10	13	14
NE 70th St.	NE 85th St.	15,000/19,000	13550	18975	189680	265366	10	13	14
NE 85th St.	NE 116th St.	15,000/19,000	13820	18944	192660	264940	10	13	14
NE 116th St.	NE 124th St.	15,000/19,000	10136	15705	141749	219641	10	9	12
NE 124th St.	NE 132nd St.	15,000/19,000	8550	12218	119579	170865	10	8	9
SR 908 (NE 85th St.)									
SB 405 Ramp	NB 405 Ramp	4,172	3926	4596	-	-	E-Mitigated	0.94	1.10
NB 405 Ramp	120th Ave NE	4,172	3660	4764	-	-	E-Mitigated	0.88	1.14
120th Ave NE	122nd Ave NE	4,000	3186	4081	-	-	E-Mitigated	0.80	1.02
122nd Ave NE	124th Ave NE	4,000	3379	3904	-	-	E-Mitigated	0.84	0.98
124th Ave NE	126th Ave NE	4,000	3241	3728	-	-	E-Mitigated	0.81	0.93
126th Ave NE	128th Ave NE	4,000	3285	4275	-	-	E-Mitigated	0.82	1.07
128th Ave NE	132nd Ave NE	4,000	2558	3624	-	-	E-Mitigated	0.64	0.91

Table T-7 Signalized State Route Intersections

Signalized State Route Intersections	PM Peak Hour Traffic Volumes		PM Peak Hour LOS		Corresponding Letter Grade LOS for 2022	Planned Improvement Projects
	Existing 2007	Future 2022	Existing 2007	Future 2022		
I-405						
116th Ave NE/NB Ramp	2,295	3,017	0.92	1.35	F	None
NE 72nd Pl/SB Ramp	2,195	2,880	0.89	1.22	F	HOV queue bypass
NE 116th St/NB Ramp	2,914	3,471	0.78	0.90	E	None
NE 124th St/NB Ramp	3,711	4,552	0.52	0.60	B	HOV queue bypass
NE 124th St/SB Ramp	4,396	4,878	0.68	0.74	C	HOV queue bypass
Totem Lake Blvd/120th Ave NE	3,294	3,181	0.80	0.89	D	None
SR 908						
NE 85th St/114th Ave NE	4,071	6,090	0.97	1.16	F	Signal interconnect, add SB left-turn lane
NE 85th St/ 120th Ave NE	4,004	5,245	0.83	1.04	F	Signal interconnect, add NB left-turn lane
NE 85th St/122nd Ave NE	3,490	4,159	0.78	0.90	E	Signal interconnect
NE 85th St/124th Ave NE	4,550	5,176	0.88	1.01	F	Signal interconnect, add EB left-turn lane
NE 85th St/ 132nd Ave NE	3,472	4,996	0.81	1.13	F	Signal interconnect, add NB left-turn lane, SB right-turn lane, WB right-turn lane, add WB and EB through lanes

The following text is excerpted from the Downtown Plan section of the Moss Bay Neighborhood Plan to indicate revisions related to the Parkplace PAR within the context of the Plan. Edited paragraphs are indicated in shaded text. Graphics showing modifications to neighborhood maps are included as at the end of this document.

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 C3 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.

Drive-through facilities and ground-floor offices are prohibited.

The desired pedestrian character and vitality of the core area requires the relatively intensive use of land and continuous compact retail frontage. Therefore, automobile drive-through facilities should be prohibited. Similarly, office uses should not be allowed to locate on the ground level. These uses generally lack visual interest, generate little foot traffic, and diminish prime ground floor opportunities for the retail uses that are crucial to the ambiance and economic success of the core area.

The attractiveness of the core area for pedestrian activity should be maintained and enhanced. Public and private efforts toward beautification of the area should be promoted. Mitigation measures should be undertaken where land uses may threaten the quality of the pedestrian environment. For example, in areas where take-out eating facilities are permitted, a litter surcharge on business licenses should be considered as a means to pay for additional trash receptacles or cleaning crews.

The creation and enhancement of public open spaces is discussed.

Public open spaces are an important component of the pedestrian environment. They provide focal points for outdoor activity, provide refuge from automobiles, and stimulate foot traffic which in turn helps the retail trade. The establishment and use of public spaces should be promoted. Surface parking lots should be eliminated in favor of structured parking. In the interim, their role as one form of open area in the Downtown should be improved with landscaped buffers adjacent to rights-of-way and between properties. Landscaping should also be installed where rear sides of buildings and service areas are exposed to pedestrians.

A high-priority policy objective should be for developers to include only enough parking stalls in their projects within the core area to meet the immediate need and to locate the majority of their parking in the core frame. This approach would reserve the majority of core land area for pedestrian movement and uses and yet recognize that the adjacent core frame is within a very short walk.

The City should generally avoid vacating alleys and streets in the core area. The existing network of street and alleys provides a fine-grained texture to the blocks which allows service access and pedestrian shortcuts. The small blocks also preclude consolidation of properties which might allow larger developments with less pedestrian scale. Vacations may be considered when they will not result in increased building mass and there is a substantial public benefit. Examples of public benefit might include superior pedestrian or vehicular linkages, or superior public open space.

NORTHWEST CORE FRAME

Office and office/multifamily mixed-use projects are appropriate in the Northwest Core Frame.

The Northwest Core Frame includes the area south of City Hall and north of the core area. This area should develop with office, or office/multifamily mixed-use projects, whose occupants will help to support the commercial establishments contained in the core. Retail and restaurant uses are desirable provided that they have primary access from Central Way.

This area presents an excellent opportunity for the development of perimeter parking for the core area and is so shown in the Downtown Master Plan (Figure C4). Developers should be encouraged to include surplus public parking in their projects, or to incorporate private parking “transferred” from projects in the core or funded by the fee-in-lieu or other municipal source. While pedestrian pathways are not as critical in this area as they are in the core, drive-through facilities should nevertheless be encouraged to locate elsewhere, to the east of 3rd Street.

Northeast Core Frame

A broad range of commercial uses should be encouraged in the Northeast Core Frame.

The Northeast Core Frame currently contains the bulk of the Downtown area’s automobile-oriented uses. Redevelopment or new development in this area should be encouraged to represent a broader range of commercial uses.

Future development should set the bulk of structures back from the street while providing low, one-story retail shops at the edge of the sidewalk. Development should also underground utilities, and incorporate parking lot landscaping and a reduction in lot coverage in site design. This will present an open, green face to Central Way and, in conjunction with Peter Kirk Park on the south side of the street, create a tree-lined boulevard effect as one approaches the core area from the east.

EAST CORE FRAME

Development in the East Core Frame should be in large, intensively developed mixed-use projects.

The East Core Frame is located east of Peter Kirk Park, extending from Kirkland Way northerly to 7th Avenue. The area includes the area where the Kirkland Parkplace shopping center as well as several large office buildings and large residential complexes. South of Central way, the area is largely commercial and provides significant opportunities for redevelopment. is located, and extends northerly to 7th Avenue. Developments in this area should continue to represent a wide range of uses, in several large, mixed use projects. However, bBecause this area between Central Way and Kirkland Way provides the best opportunities in the Downtown for creating a strong vital employment base, redevelopment for this area should continue to emphasize office use should be emphasized redevelopment over residential. Within the Parkplace center site, however, retail uses should be a significant component of a mixed use complex.

Limited residential use should be allowed as a complementary use adjoining the eastern edge of Peter Kirk Park as a complementary use. These residential uses should be designed to accommodate the active nature of the park (e.g., noise, lighting, etc.) to avoid potential conflicts between future residents and park uses.

The north side of Central Way, within the East Core Frame, has been redeveloped to nearly its full potential with high density residential uses.

SOUTH CORE FRAME

Retail, office, and office/multifamily mixed-use projects are suitable for the South Core Frame.

The South Core Frame immediately abuts the southern boundary of the core area. This area is suitable for retail, office, and office/multifamily mixed-use projects.

Public parking may be provided in the South Core Frame.

The South Core Frame, like the Northwest Core Frame, presents an excellent opportunity for the development of close-in public parking. Developers should be allowed to include surplus public parking in their projects in this area or to accommodate private parking “transferred” from the core or funded by “fee-in-lieu” or other municipal source.

The western half of the South Core Frame should develop more intensively than the eastern half of this area, due to its proximity to the Downtown core. The vacation of 1st Avenue South, west of 2nd Street South, and 1st Street South should be considered as a means of concentrating more intensive development to the west.

Mitigation measures to reduce impacts on single-family residences may be required.

As this area lies just north of an established single-family neighborhood, mitigation measures may be required to minimize the impacts of any new nonresidential development on these single-family homes. These measures may include the restriction of vehicle access to projects within the South Core Frame to nonresidential streets. Public improvements, such as physical barriers to restrict traffic flow in these areas, may be considered. The architectural massing of projects in this area should be modulated both horizontally and vertically to reduce their visual bulk and to reflect the topography which presently exists.

C. URBAN DESIGN

The urban design of Downtown Kirkland consists of many disparate elements which, together, define its identity and “sense of place.” This document provides policy guidelines for the design of private development and a master plan for the development of the public framework of streets, pedestrian pathways, public facilities, parks, public buildings, and other public improvements (see Figure C4).

The following discussion is organized into three sections:

- A. Downtown Design Guidelines and Design Review;
- B. Building Height and Design Districts; and
- C. The Image of the City: Urban Design Assets.

DOWNTOWN DESIGN GUIDELINES AND DESIGN REVIEW

Mechanics of Design Review are described.

The booklet entitled “Design Guidelines for Pedestrian-Oriented Business Districts,” which is adopted in Chapter 3.30 of the Kirkland Municipal Code, contains policy guidelines and concepts for private development in Downtown Kirkland. The booklet includes an explanation of the mechanics of the Design Review process to be used for all new development and major renovations in the Downtown area. The booklet entitled “Master Plan and Design Guidelines for Kirkland Parkplace” contains guidelines for the master planned development of the Kirkland Parkplace site (Design District 5A). Discretion to deny or condition a design proposal is based on specific Design Guidelines or a master plan adopted by the City Council and administered by the Design Review Board and Planning Department. Design Review enables the City to apply the Guidelines in a consistent, predictable, and effective manner.

The Guidelines are intended to balance the desired diversity of project architecture with the equally desired overall coherence of the Downtown’s visual and historic character. This is to be achieved by injecting into each project’s creative design process a recognition and respect of design principles and methods which incorporate new development into Downtown’s overall pattern. The Guidelines would be applied to any specific site in conjunction with the policy guidance provided by the Downtown Master Plan and the following text regarding Design Districts.

The Design Review Process enables the City to require new development to implement the policy guidance contained in the Guidelines, the Master Plan for Downtown, and to protect and enhance the area's urban design assets. A more complete description of how Design Review should operate is found in the Zoning Code.

BUILDING HEIGHT AND DESIGN DISTRICTS

Figure C5 identifies eight height and design districts within Downtown Kirkland. The boundaries of these districts are determined primarily by the topographical characteristics of the land and the area's proximity to other noncommercial uses.

Design District 1

Maximum building height in Design District 1 is between two and five stories, depending on location and use.

This district is bordered by Lake Street, Central Way, 3rd Street, and generally 1st Avenue South. When combined with District 2, this area corresponds to the core area as shown in Figure C3.

The maximum building height in this area should be between two and five stories with no minimum setback from property lines. Stories above the second story should be set back from the street. To preserve the existing human scale of this area, development over two stories requires review and approval by the Design Review Board based on the priorities set forth in this plan.

Buildings should be limited to two stories along all of Lake Street South to reflect the scale of development in Design District 2. Along Park Lane west of Main Street, Third Street, and along Kirkland Avenue, a maximum height of two stories along street frontages will protect the existing human scale and pedestrian orientation. Buildings up to three stories in height may be appropriate along Central Way to reflect the scale of development in Design District 8 and as an intermediate height where adequately set back from the street. A continuous three-story street wall should be avoided by incorporating vertical and horizontal modulations into the design of buildings.

The portions of Design District 1 designated as 1A in Figure C-5 should be limited to a maximum height of three stories. As an incentive to encourage residential use of upper floors and to strengthen the retail fabric of the Core Area, a fourth story of height may be allowed. This additional story may be considered by the Design Review Board for projects where at least two of the upper stories are residential, the total height is not more than four feet taller than the height that would result from an office project with two stories of office over ground floor retail, stories above the second story are set back significantly from the street and the building form is stepped back at the third and fourth stories to mitigate the additional building mass, and the project provides superior retail space at the street level. Rooftop appurtenances and related screening should not exceed the total allowed height, and should be integrated into the height and design of any peaked roofs or parapets.

The portions of Design District 1 designated as 1B in Figure C-5 provide the best opportunities for new development that could contribute to the pedestrian fabric of the Downtown. Much of the existing development in these areas consists of older auto-oriented uses defined by surface parking lots and poor

pedestrian orientation. To provide incentive for redevelopment and because these larger sites have more flexibility to accommodate additional height, a mix of two to four stories in height is appropriate. East of Main Street, development should combine modulations in building heights with modulations of facade widths to break large buildings into the appearance of multiple smaller buildings. South of Kirkland Avenue, building forms should step up from the north and west with the tallest portions at the base of the hillside to help moderate the mass of large buildings on top of the bluff. Buildings over two stories in height should generally reduce the building mass above the second story.

As with Design District 1A, an additional story of height may be appropriate in 1B to encourage residential use of the upper floors and to strengthen the retail fabric in the Core Area. This additional story may be considered by the Design Review Board for projects where at least three of the upper stories are residential, the total height is not more than one foot taller than the height that would result from an office project with three stories of office over ground floor retail, stories above the second story are set back significantly from the street and the building form is stepped back at the at the third, fourth, and fifth stories to mitigate the additional building mass, and the project provides superior retail space at the street level. Rooftop appurtenances and related screening should not exceed the total allowed height, and should be integrated into the height and design of any peaked roofs or parapets.

Design considerations of particular importance in this area are those related to pedestrian scale and orientation. Building design at the street wall should contribute to a lively, attractive, and safe pedestrian streetscape. This should be achieved by the judicious placement of windows, multiple entrances, canopies, awnings, courtyards, arcades, and other pedestrian amenities. Service areas, surface parking, and blank facades should be located away from the street frontage.

Design District 2

One to three stories in building height above Central Way or Lake Street are appropriate in Design District 2, depending on location.

This area is bordered by the shoreline, Central Way, Lake Street, and 3rd Avenue South. This area serves as the link between Downtown and the Lake and helps define the traditional pedestrian-oriented retail environment. In addition, the existing low development allows public views of the Lake from many vantages around the Downtown and allows evening sun into the Downtown core. To emphasize this link and the traditional role, building heights in this area should remain low. Two stories above the street are appropriate along Central Way and south of Kirkland Avenue. Along Lake Street South between Kirkland Avenue and Central Way, buildings should be limited to one story above the street. Two stories in height may be allowed in this area where the impacts of the additional height are offset by substantial public benefits, such as through-block public pedestrian access or view corridors. Buildings over one story in this area should be reviewed by the Design Review Board for both design and public benefit considerations. These benefits could also be provided with the development of the Lakeshore Plaza project identified in the Downtown Master Plan (see Figure C-4). Building occurring in conjunction with that project or thereafter should be reviewed in relation to the new context to determine whether two stories are appropriate. South of Second Avenue South, buildings up to three stories above Lake Street South are appropriate. Buildings over two stories should be reviewed by the Design Review Board to ensure an effective transition along the street and properties to the south.

As in District 1, pedestrian orientation is an equally important design consideration in District 2. In addition, improvements related to the visual or physical linkage between building in this area and the lake to the west should be incorporated in building design.

The public parking lot located near Marina Park at the base of Market Street is well suited for a parking structure of several levels, due to its topography. Incentives should be developed to encourage the use of this site for additional public parking.

Design Districts 3 and 7

Maximum building height is three stories in Design Districts 3 and 7.

These districts are east of 3rd Street, north of Central Way, and south of Peter Kirk Park. Maximum building height should be three stories, with a minimum front yard setback of 20 feet and maximum lot coverage of 80 percent. Lower portions of projects with a pedestrian orientation should be allowed to encroach into the setbacks to stimulate pedestrian activity and links to eastern portions of the Downtown. Street trees and ground cover are appropriate along Kirkland Avenue and Central Way. By keeping structures in this area relatively low-rise and set back from the street, views from upland residences can be preserved and the openness around Peter Kirk Park enhanced.

In Design District 3, the restriction of access points to nonresidential streets may be necessary in order to prevent a negative impact of development in this area on the single-family enclave which exists to the south.

Design District 4

Maximum building height to be four stories.

This district is located south of 1st Avenue South, east of 1st Street South. Land in this area is appropriate for developments of four stories in height.

The method for calculating building height should be modified for this area as described in the discussion of height calculation for structures in District 8. The opportunity to take advantage of substantial grade changes with terraced building forms also exists in the western half of District 4.

Vehicular circulation will be an important consideration in project design in this area. The restriction of access points to nonresidential streets in order to prevent a negative impact of development in this area on the single-family enclave which exists to the south may be necessary.

Design District 5

Building heights of two to five stories are appropriate in Design District 5.

This district lies at the east side of Downtown between ~~Central Way~~ Design District 5A and Kirkland Way. Maximum building height should be between three and five stories. The existing mix of building heights and

arrangement of structures within the district preserves a sense of openness within the district and around the perimeter. Placement, size, and orientation of new structures in this district should be carefully considered to preserve this sense of openness. Buildings over two stories in height should be reviewed by the Design Review Board for consistency with applicable policies and criteria. Within the district, massing should generally be lower toward the perimeter and step up toward the center. ~~Facades~~ Portions of buildings facing Central Way, Kirkland Way, and Peter Kirk Park should be limited to between two and three stories, with taller portions of the building stepped back significantly. Buildings over three stories in height should generally reduce building mass above the third story.

Buildings fronting Peter Kirk Park and the Performance Center should be well modulated, both vertically and horizontally, to ease the transition to this important public space. Buildings should not turn their backs onto the park with service access ~~or~~; blank walls, etc. Landscaping and pedestrian linkages should be used to create an effective transition. ~~Residential development should be designed to integrate into both the office/retail character of the zone and the active urban nature of Peter Kirk Park. Residential development should also be limited to those portions of the property fronting on park green space, rather than those portions fronting the Teen Center and Performance Center.~~

Design considerations related to vehicular and pedestrian access, landscaping, and open space are particularly important in this area. ~~The intersection of 6th Street and Central Way is a prominent gateway to the Downtown. New development in this area should have a positive impact on the image of Kirkland and should be designed to enhance this entry.~~ Within the district, a north-south vehicular access between Central Way and Kirkland Way should be preserved and enhanced with pedestrian improvements.

Design Districts 5A

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

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

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

important downtown gateway; along Central Way to respond to the context along the north side of street; and facing Peter Kirk Park to provide a transition in scale to downtown's central greenspace.

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

Design District 6

Maximum building heights of two to four stories are appropriate for Design District 6.

This large block of land located between 5th Street and 6th Street, north of Central Way, and south of 7th Avenue, is identified as a major opportunity site for redevelopment elsewhere in this document. Figure C6 contains a schematic diagram of design and circulation considerations that should be incorporated in the redevelopment of this district. Development of this district should be relatively intensive and should be physically integrated through pedestrian access routes, design considerations, and intensive landscaping.

Safe, convenient, and attractive pedestrian connections across the district should be provided. This path should be designed under a covered enclosure or arcade along the storefronts in this area. Visual interest and pedestrian scale of these storefronts will contribute to the appeal of this walkway to the pedestrian. A connection of this pathway to Central Way should be made, with a continuation of the overhead enclosure to unify this pedestrian route.

Design considerations related to vehicular and pedestrian access, landscaping, and open space are particularly important in this area. The intersection of 6th Street and Central Way is a prominent gateway to the Downtown. New development in this area should have a positive impact on the image of Kirkland and should be designed to enhance this entry.

A substantial building setback or mitigating design such as the site configuration on the south side of Central Way is necessary in order to preserve openness at this important gateway site. The northeast and southeast corners of this block should be set aside and landscaped to provide public open spaces or miniparks at these gateways. Side-yard setbacks, however, should be minimal to reduce the appearance of a building surrounded by a parking area.

The northern portion of this district should be developed in uses that are residential both in function and scale. Access to this portion of the site may be either from 7th Avenue or from one of the adjacent side streets. Some of the significant trees along 7th Avenue should be incorporated into the site design as a means of softening the apparent mass of any new structures and to provide additional elements of continuity facing the single-family residences along 7th Avenue. In addition, building mass should step down toward 7th Avenue and design consideration should be given to the massing and form of single-family homes to the north.

Design District 8

Building heights of two to four stories are appropriate, depending on location.

This district is located north of Central Way and south of 4th Avenue, between Market Street and 3rd Street. Maximum building height should be three stories abutting Central Way and two stories at 3rd and 4th Avenues. Structures which do not abut either of these streets should be allowed to rise up to four stories.

Building height calculation should require terracing of building forms on sloped sites.

Where dramatic elevation changes exist in this district, an innovative method of calculating height is appropriate. In order to encourage the terracing of building forms on the hillside, building height should be calculated relative to the ground elevation above which the individual planes of the structure lie. Additional bulk controls should apply to restrict the height within 100 feet of noncommercial neighborhoods to the same height allowed in the adjacent zone. Heights on the north side should step down to ease the transition to the core area and moderate the mass on top of the hillside.

Vehicular circulation to nonresidential portions of projects within this area should not occur on primarily residential streets. In addition, design elements should be incorporated into developments in this area which provide a transition to the residential area to the north.

THE IMAGE OF THE CITY: URBAN DESIGN ASSETS

Many of Downtown's urban design assets are mapped on the Master Plan (Figure C4) or are discussed explicitly in the text of the Height and Design Districts or the Downtown Design Guidelines. The following text should read as an explanation and amplification of references made in those two parts of the Downtown Plan.

Visual Landmarks

Lake Washington is a major landmark in Downtown Kirkland.

The most vivid landmark in Downtown Kirkland is Lake Washington. The lake provides a sense of openness and orientation and is a prominent feature from two of the three main approaches to the Downtown. Many residents and visitors to Kirkland form their impressions of the community from these important vantage points. The preservation and enhancement of views from the eastern (NE 85th Street/Central Way) and northern (Market Street) approaches/gateways is a high-priority policy objective.

Despite the prominence from these vantage points, the core area is not well oriented to capitalize on its waterfront setting. The existing activity centers of the retail core and the lake are separated by large surface parking lots. The City and property owners around Marina Park should aggressively pursue opportunities to correct this deficiency by structuring the existing surface parking below a public plaza. This open space amenity could redefine the Downtown and become the focal point of the community.

Other outstanding visual landmarks include the large green expanse of Peter Kirk Park, which provides an open space relief to the densely developed Downtown core to the west. The Peter Kirk Park civic and cultural facilities (Library, Municipal Garage, Peter Kirk Pool, Kirkland Performance Center, Peter Kirk Community Center, Teen Union Building) library and Senior Center building located at the southeast edge of Peter Kirk

Park, as well as the METRO transit center at the western boundary of the park, are also well-known local landmarks.

The City Hall facility provides an important visual and civic landmark on the northern slope above the Downtown. Marina Park and the pavilion structure situated there are also symbolic reference points of community, recreational, and cultural activities.

There are a number of features in and nearby the Downtown area with historic significance which add to its visual character and historic flavor. These landmarks include the historic buildings on Market Street and the old ferry clock on Lake Street at Kirkland Avenue. These structures should be recognized for their community and historic value, and their preservation and enhancement should have a high priority. In contrast to the bland architecture of many of the buildings in the Downtown constructed since the 1940's, some of the older structures help define the character of the Downtown. The City will consider preserving this character through a process of inventorying these structures and adopting historic protection regulations. New regulations could range from protecting the character of designated historic buildings to protecting the actual structure. Some form of preservation would provide continuity between the Downtown vision and its unique past.

Public Views

Important Downtown views are from the northern, southern, and eastern gateways.

A number of dramatic views exist in the Downtown and its immediate vicinity due to the hills, the valley, and the sloping land areas which form the bowl-like topography ~~which characterizes~~ the City's center. One of the views most often associated with Downtown Kirkland is from NE 85th Street just west of Interstate 405 ~~the eastern gateway, where Central Way meets 6th Street~~. From this vantage point, the hills north and south of the core area form a frame for a sweeping view of Lake Washington in the distance and the Olympic mountain range beyond.

Another striking view, identified in Figure C4, is from the Market Street entry into Downtown. This approach is met with a view of the lake, Marina Park and its pavilion, and the City's shoreline. This view could be enhanced with redevelopment of the GTE site, where the existing massive building substantially diminishes this broad territorial view.

Where the Kirkland Avenue and 2nd Avenue South rights-of-way cross Lake Street and continue to Lake Washington, an unobstructed view of open water is visible to pedestrians and people traveling in vehicles. These views are very valuable in maintaining the visual connection and perception of public accessibility to the lake. These views should be kept free of obstruction.

Gateways

Topographic changes define gateways into the Downtown area.

The gateways into Downtown Kirkland are very clear and convey a distinct sense of entry. Two of the Downtown's three major gateways make use of a change in topography to provide a visual entry into the area.

At the eastern boundary of the Downtown area, Central Way drops toward the lake, and the core area comes clearly into view. This gateway could be enhanced by an entry sign, similar to one located farther up the hill to the east, or some other distinctive structure or landscaping feature.

A second major gateway is the Downtown's northern entrance where Market Street slopes gradually down toward Marina Park. The historic buildings at 7th Avenue begin to form the visual impression of Downtown's character and identity, and the landscaped median adds to the boulevard feeling of this entryway. Some type of sign or other feature could be incorporated into the improvements to the Waverly site.

At the Downtown's southern border, the curve of Lake Street at about 3rd Avenue South provides a very clear gateway into the commercial core. It is at this point that the transition from residential to retail uses is distinctly felt. Here, also, is an opportunity to enhance this sense of entry by creation of literal gateposts, signs, or landscape materials.

Pathways

An extensive network of pedestrian pathways covers the Downtown area.

The size and scale of Downtown Kirkland make walking a convenient and attractive activity. An extensive network of pedestrian pathways covers the Downtown area, linking residential, recreational, and commercial areas. Downtown Kirkland is a pedestrian precinct unlike virtually any other in the region. It is almost European in its scale and quality.

The core of the shopping district, with its compact land uses, is particularly conducive to pedestrian traffic. Both sides of Lake Street, Park Lane, and Kirkland Avenue are major pedestrian routes. Many residents and visitors also traverse the land west of Lake Street to view and participate in water-oriented activities available there.

The Downtown area's major east/west pedestrian route links the lake with Peter Kirk Park, the Kirkland Parkplace shopping center, and areas to the east. For the most part, this route is a visually clear pathway, with diversity and nearby destinations contributing to its appeal to the pedestrian. Enhancement and improved definition of this important east-west pedestrian corridor would help link Parkplace Place with the rest of the shopping district.

Minor pedestrian routes link the residential areas north of Central Way and south of Kirkland Avenue. These linkages need to be strengthened in order to accommodate the residential and office populations walking from the Norkirk Neighborhood and core frames, respectively. Additional improvements, such as brick paver crosswalks, pedestrian safety islands, and signalization, are methods to strengthen these north-south linkages.

Enhancement of Downtown pedestrian routes should be a high-priority objective.

Enhancement of the Downtown area's pedestrian routes should be a high-priority policy and design objective. For example, minor architectural features and attractive and informative signs should be used to identify public pathways. Public and private efforts to make pedestrian walkways more interesting, functional, convenient,

and safe, should be strongly supported. Figure C4 highlights a number of projects proposed for this purpose. These projects are discussed in detail elsewhere in this text.

D. PUBLIC FACILITIES

OPEN SPACE/PARKS

Four major park sites are critical to the Downtown's feeling of openness and greenery. These parks weave a noncommercial leisure-time thread into the fabric of the area and provide a valuable amenity, enhancing Downtown's appeal as a destination. Each of the major approaches to the Downtown is met with a park, with the Waverly site and Marina Park enhancing the northern entry, and Peter Kirk Park and Dave Brink Park augmenting the eastern and southern approaches. Physical improvements in and near these parks should strengthen their visual prominence and prevent view obstruction.

Marina Park and Peter Kirk Park in particular are well-used by families and recreational groups. Public facilities at these parks should continue to expand opportunities for residents, such as the installation of permanent street furniture and play equipment for children at Marina Park.

Pedestrian improvements should be made to improve connections between parks and nearby facilities.

Downtown projects which are not directly related to the parks should continue to locate adjacent to the parks, and in some cases, should share access or parking. Impacts from projects, such as the tour boat dock at Marina Park and the METRO transit center at Peter Kirk Park, should be minimized. Efforts to provide continuity between these facilities and the parks through the use of consistent walkway materials, landscaping, and other pedestrian amenities, will help to reduce the appearance of a separation of uses at these locations.

The boat launch ramp which exists at Marina Park is an important amenity in the community. It should be retained until another more suitable location is found.

OTHER PUBLIC FACILITIES

City Hall and the Peter Kirk Park civic and cultural center Library/Senior Center facility add to the community atmosphere and civic presence in the Downtown area. The plan for Downtown developed in 1977 recommended that the City Hall facility be moved from its previous location in the core area to its present site overlooking the Downtown from the northern slope. In its new location, City Hall is close enough to Downtown to contribute workers to the retail and restaurant trade, as well as to provide a visually prominent and symbolic landmark when viewed from the Downtown.

Public efforts to assist the Downtown business district should be continued.

The City should help to foster economic vitality in the Downtown by working with the private sector and by encouraging independent efforts toward economic development by the private sector. Such assistance to the business community might include supporting efforts to establish local improvement or business improvement districts. This could take the form of seed money for preliminary studies and the dissemination of information.

Other public efforts to strengthen the Downtown business climate should include the continued promotion of public projects such as the tour boat dock, in addition to continued support for private projects such as the Lakeshore Plaza Boardwalk, which would help to implement public policy goals.

E. CIRCULATION

PEDESTRIAN

Pedestrian routes should have equal priority to vehicular routes in Downtown circulation.

Pedestrian amenities and routes should continue to be improved, and should be given equal priority with that of vehicular routes for circulation within the Downtown. Modifications to the street network and traffic patterns should not be allowed to disrupt Downtown pedestrian activity and circulation.

To be a truly successful walking environment, the core area of the Downtown must be safe, convenient, and pleasant for the pedestrian. Pedestrian safety would be increased greatly by reducing opportunities for conflicts with cars. The reprogramming of crosswalk signals to favor the pedestrian would discourage jaywalking and allow sufficient time for slower walkers to cross the street.

Convenience to the pedestrian will be enhanced by improving the directness and ease of pedestrian routes. “Shortcuts” between streets, or even between buildings, can link pedestrian routes over large distances where vehicles cannot circulate. Coordinated public directory signs and maps of walkways should be developed to clearly identify public pathways for the pedestrian.

A system of overhead coverings should be considered to improve the quality of pedestrian walkways year-round.

The pleasures of walking in the Downtown area would be enhanced by the installation of minor public improvements, such as street furniture (benches, planters, fountains, sculptures, special paving treatments), flower baskets, and coordinated banners and public art. The creation of a system of overhead coverings such as awnings, arcades, and marquees would provide protection to the pedestrian during inclement weather, allowing for pedestrian activity year-round. All of these features would add visual interest and vitality to the pedestrian environment.

Brick crosswalks have been installed at 3rd Street and Park Lane in conjunction with the METRO transit center facility. The expansion of the use of brick for crosswalks throughout the Downtown should be considered. In any case, additional restriping of crosswalks in the Downtown area should be actively pursued.

The establishment and improvement of pedestrian pathways between activity centers should be a high-priority policy objective. Major pedestrian routes within the Downtown area are identified in Figure C4. Major pathways include the extensive east-west “spine” or “Park Walk Promenade,” which links the lake with points east of 6th Street and the shoreline public access trail.

The Downtown Master Plan also identifies other important pedestrian routes which provide north-south pedestrian access. Improvements to these pathways should be promoted, particularly at the intersection of 6th Street and Central Way. Elevated crosswalks should be considered among the alternatives reviewed for pedestrian access across Central Way. Disadvantages to elevated crosswalks which should be considered are potential view blockage and the loss of on-street pedestrian traffic.

The portion of the Park Walk Promenade spanning Peter Kirk Park was installed by the City during renovation of the park facilities. The walk serves the ~~Senior Center~~ Peter Kirk Park civic and cultural center and library, as well as commercial areas to the east and west. This walkway should be expanded upon when the remaining land south of Kirkland Parkplace develops.

Figure C4 illustrates pedestrian system improvements for the two major routes which are intended to serve several purposes. These projects would improve the safety, convenience, and attractiveness of foot traffic in the Downtown, provide shelter from the weather, and create a unifying element highlighting the presence of a pedestrian linkage.

A large public plaza should be constructed west of buildings on Lake Street to enhance the Downtown’s lake front setting (See Figure C-4).

The Lakeshore Plaza shown on the Downtown Master Plan envisions a large public plaza constructed over structured parking. Ideally, the plaza would be developed through public/private partnerships to provide a seamless connection between the Downtown and the lake. The plaza would be at the same grade as Lake Street and would provide visual and pedestrian access from a series of at-grade pedestrian connections from Central Way and Lake Street.

The Park Walk Promenade identified on the Downtown Master Plan should consist of a series of minor structures placed at prominent locations along the walkway in order to clearly identify the pathway throughout its length, as well as to provide some protection during wet weather. The plexiglas and metal “space frames” used at Mercer Island’s Luther Burbank Park and at the Seattle Center are possible design options for protective structures. The concrete and metal gateway feature where Parkplace abuts Peter Kirk Park is a good model for visual markers along the east-west pedestrian spine.

VEHICULAR

Automobiles and public transit are the modes of transportation which move people in and out of the Downtown, and often between the core area and the frame. Within the Downtown, pedestrian circulation should be given equal priority with vehicular circulation. A primary circulation goal should be to emphasize pedestrian circulation within the Downtown, while facilitating vehicle access into and out of the Downtown.

Alternate traffic routes should be considered.

Lake Street should be designated to function as a major pedestrian pathway. The objectives for land use and pedestrian circulation should be seriously considered during any plans for traffic and roadway improvements on Lake Washington Boulevard. The goal to discourage commuter traffic on the boulevard should not be viewed independently from the need to retain vehicle access for tourists, shoppers, and employees to the Downtown.

State Street should continue to serve as a major vehicular route, bringing shoppers and workers into the Downtown area. Sixth Street should be developed to accommodate additional vehicles. Future plans for Lake Street and Lake Washington Boulevard may include the diversion of cars from the Downtown area, and 6th Street would provide the most appropriate north/south alternative route. The existence of commercial development on this street renders it more appropriate than State Street to handle substantial commuter traffic.

The use of public transportation to the Downtown should be encouraged.

Third Street has been designed for the pedestrian and public transit user, with the METRO transit center located on this street. The use of public transportation as an alternative for people who work or shop in the Downtown should be encouraged. Increased use of this mode of transportation would help to reduce traffic congestion and parking problems in the core area.

The number of vehicular curb cuts in the Downtown area should be limited. Both traffic flow in the streets and pedestrian flow on the sidewalks are disrupted where driveways occur. In the core frame in particular, the placement of driveways should not encourage vehicles moving to and from commercial areas to travel through residential districts.

PARKING

The core area is a pedestrian-oriented district, and the maintenance and enhancement of this quality should be a high priority. Nevertheless, it should be recognized that pedestrians most often arrive in the core via an automobile which must be parked within easy walking distance of shops and services. To this end, as discussed elsewhere in this chapter, private projects which include a substantial amount of surplus parking stalls in their projects should be encouraged to locate these parking stalls in the core frame.

The Downtown area contains a variety of parking opportunities. Four public parking lots exist in the Downtown area: at the west side of Peter Kirk Park, the street-end of Market Street at Marina Park, in Lakeshore Plaza, and at the intersection of Central Way and Lake Street. These lots are shown on the Downtown Master Plan (Figure C4).

Public parking to be a permitted use on private properties north and south of the core area.

Other sites that would be appropriate for public parking include the north and south slope of the Downtown as shown in Figure C4. Public parking in these areas would help to serve core-area businesses, while not detracting from the dense pattern of development critical to the pedestrian environment there.

More intensive development of existing parking areas should be considered as a way to provide more close-in public parking. Certain sites, such as the Market Street-End lot and the Peter Kirk lot would adapt well to structured parking due to the topography in the immediate vicinity of these lots. Structuring parking below Lakeshore Plaza could make more efficient use of the available space and result in a dramatic increase in the number of stalls available.

The fee-in-lieu of parking alternative allows developers in the core area to contribute to a fund instead of providing required parking on site. The City's authority to spend the monies in this fund should be expanded to include the use of the funds on private property in conjunction with parking facilities being provided by private developers.

Another option for off-site parking should be considered which would allow developers to provide the parking required for their projects elsewhere in the core area or core frame. This alternative should include the construction of parking stalls in conjunction with another developer, if it can be shown that the alternative parking location will be clearly available to the public and is easily accessible to the core area.

The City's parking management and enforcement program should be maintained. The program should be evaluated periodically to assess its effectiveness, with revisions made when necessary.

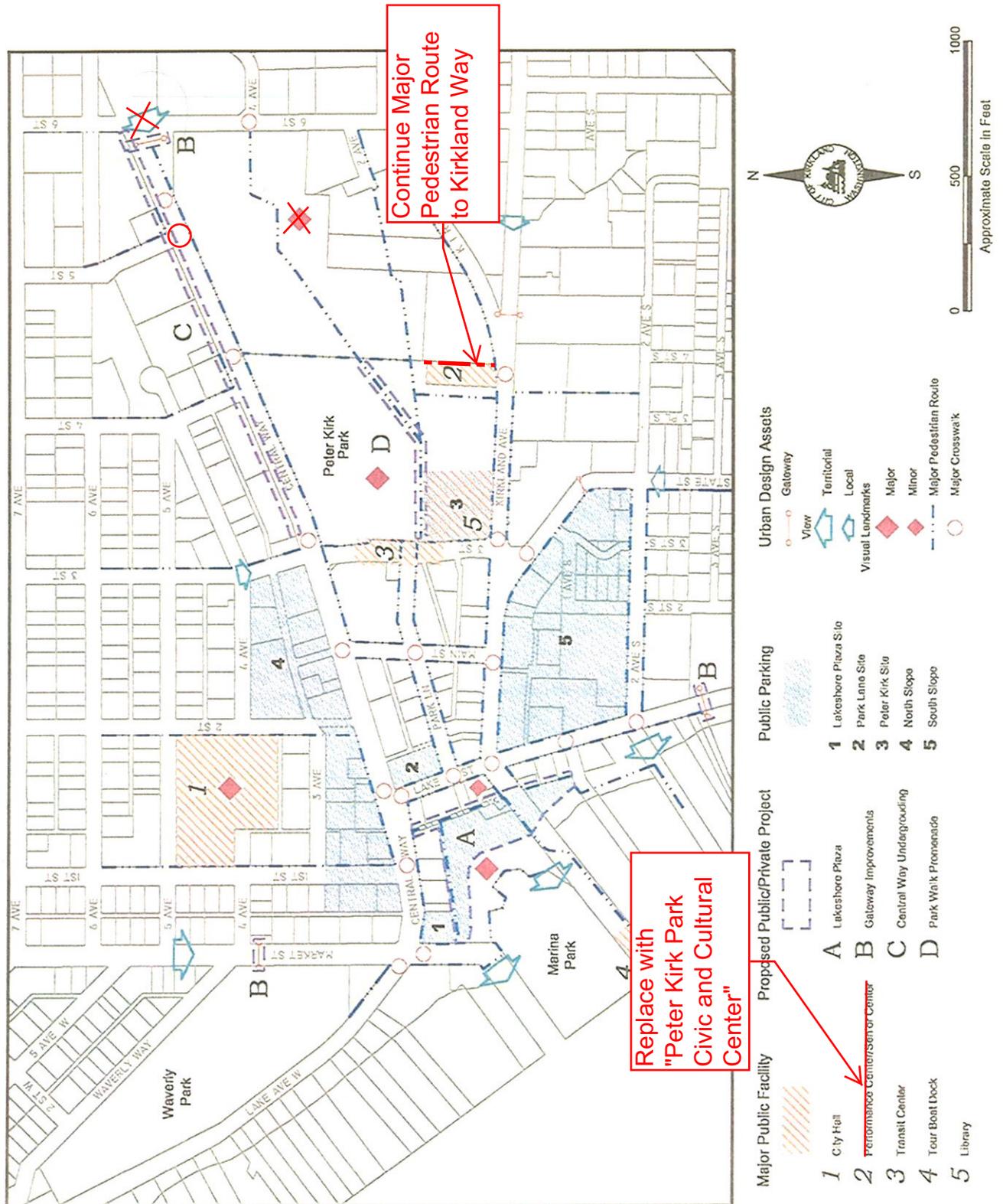


Figure C-4: Downtown Master Plan

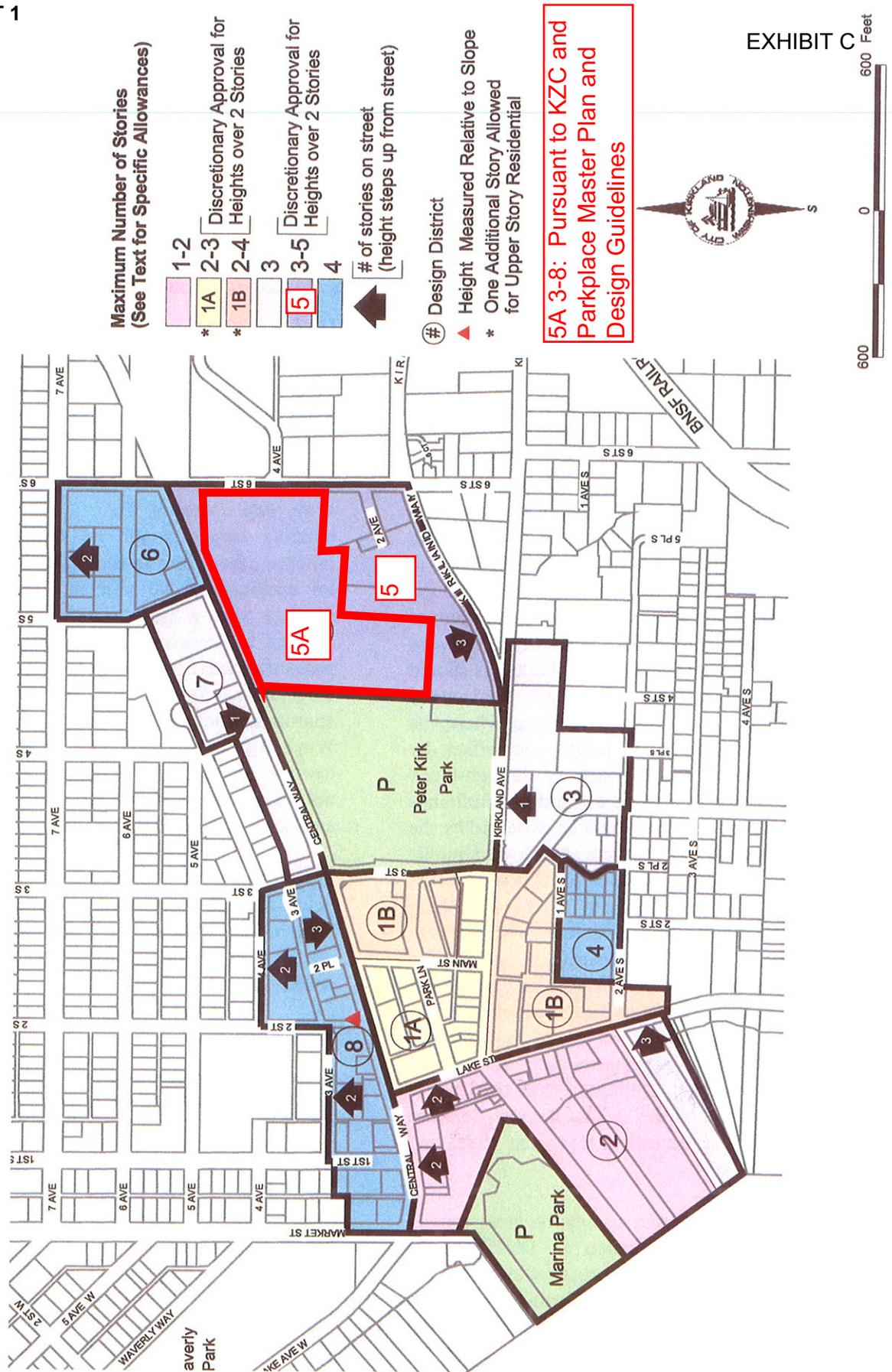


Figure C-5: Downtown Height and Design Districts

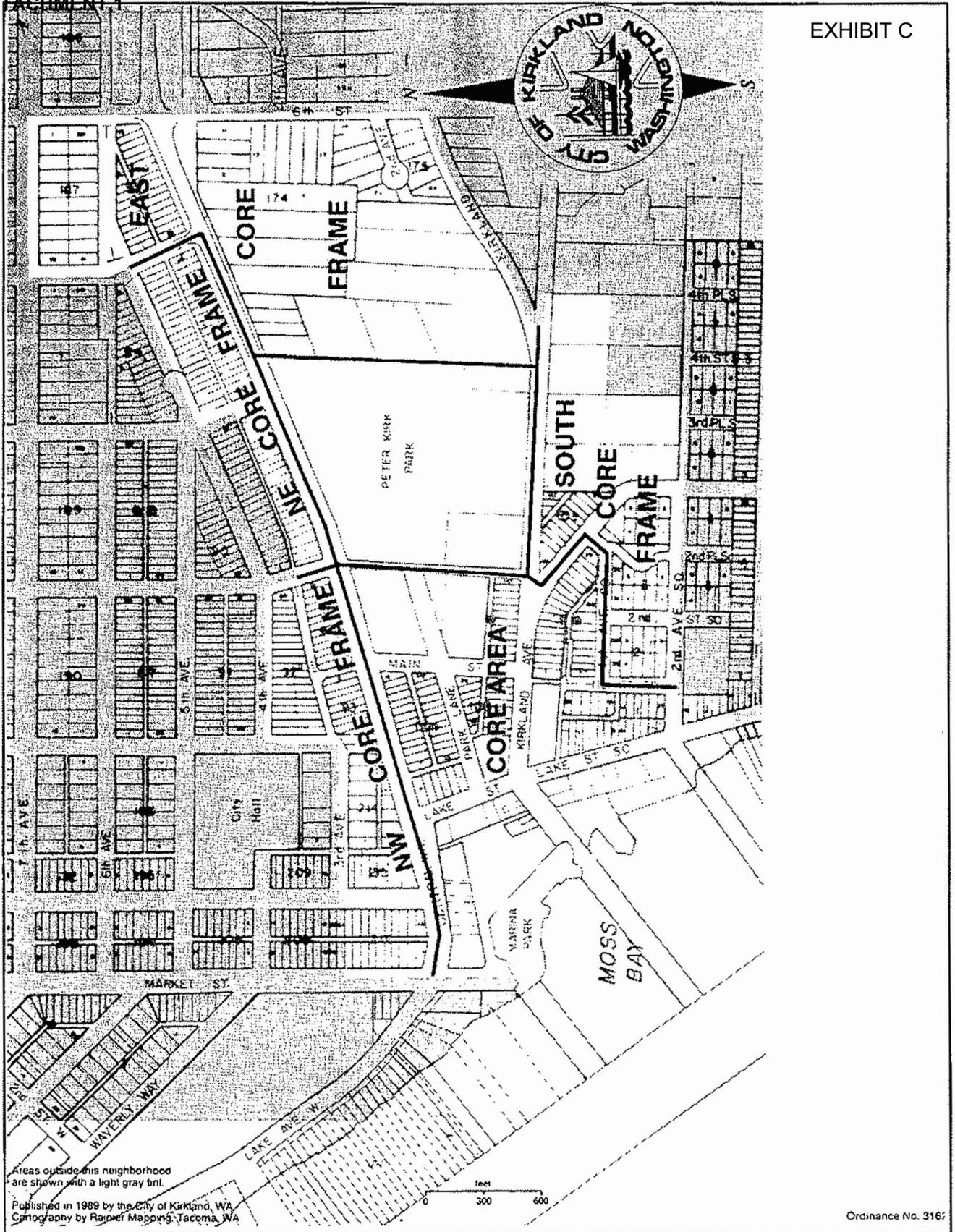


Figure C-3: Downtown Land Use Districts

XV.D. MOSS BAY NEIGHBORHOOD

3. DOWNTOWN PLAN

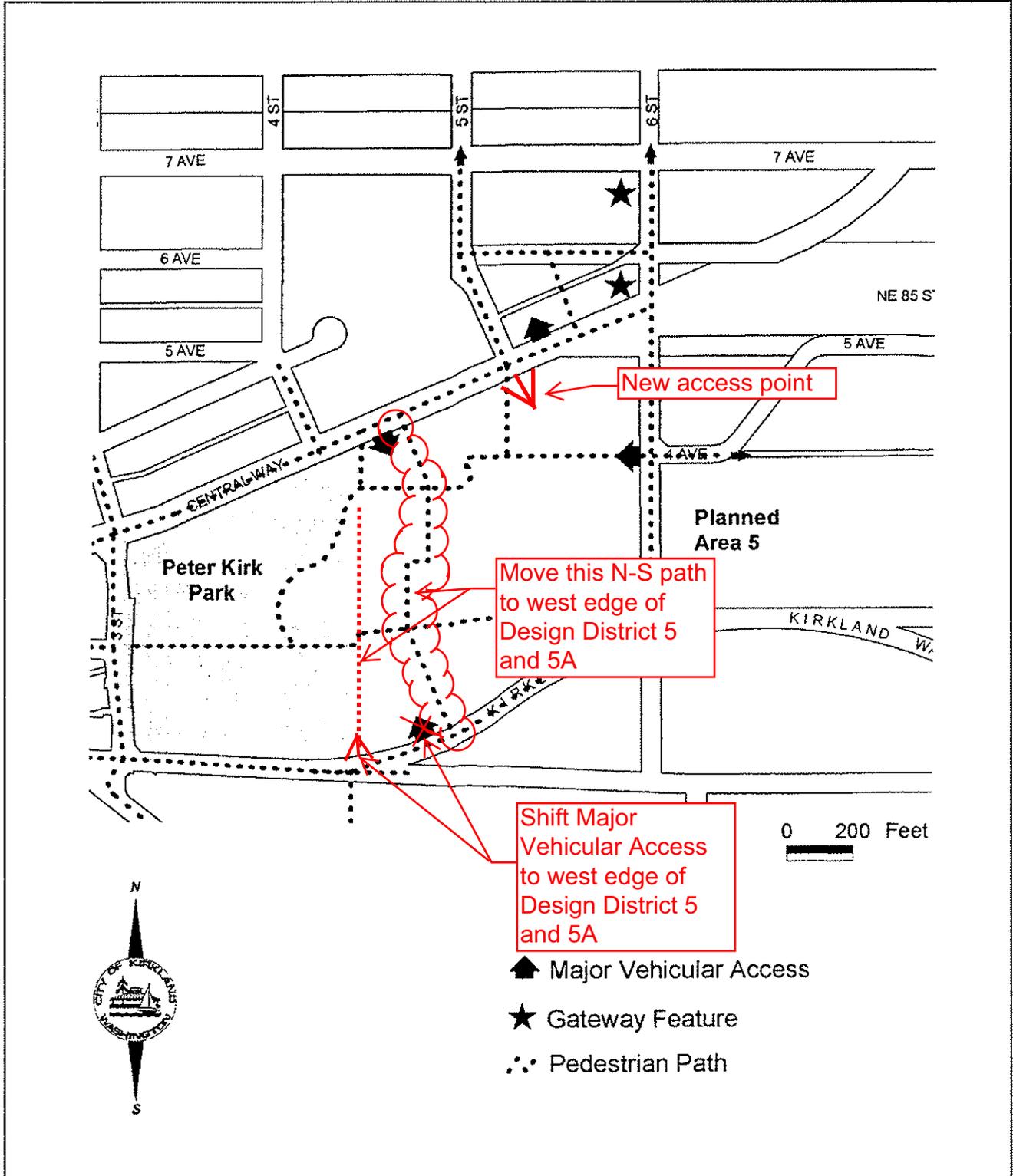


Figure C-6: Design Districts 5 and 6 - Circulation and Gateways

PUBLICATION SUMMARY
OF ORDINANCE NO. 4170

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 3481 AS AMENDED, TO IMPLEMENT CHANGES TO THE DOWNTOWN PLAN SECTION OF THE MOSS BAY NEIGHBORHOOD PLAN AND THE TRANSPORTATION ELEMENT, AND APPROVING THIS SUMMARY FOR PUBLICATION, FILE NO ZON07-00016

SECTION 1. Amends the following specific portions of the Kirkland Comprehensive Plan:

- A. Amends Table T-6: State Routes in the Transportation Element,
- B. Amends Table T-7: Signalized State Route Intersections in the Transportation Element'
- C. Amendments Downtown Plan (3) in the Moss Bay Neighborhood Plan section.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as five days after publication of summary.

SECTION 4. Establishes certification by City Clerk and notification of King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 16th day of December, 2008.

I certify that the foregoing is a summary of Ordinance 4170 approved by the Kirkland City Council for summary publication.



City Clerk

ORDINANCE NO. 4171

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE), AND THE KIRKLAND ZONING MAP, ORDINANCE 3710 AS AMENDED, TO IMPLEMENT THE NEW CBD5A ZONE, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00016.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend certain portions of the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code), all as set forth in that certain report and recommendation of the Planning Commission dated November 20, 2008, and bearing Kirkland Department of Planning and Community Development File No. ZON07-00016; and

WHEREAS, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, held public hearings on April 24, 2008, June 12, 2008, and October 23, 2008 on the amendment proposals and considered the comments received at said hearings; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a Planned Action Environmental Impact Statement. The draft of which was issued on April 4, 2008 and the final of which was issued on October 16, 2008 by the responsible official pursuant to WAC 197-11-400 through 197-11 560; 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; and

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

Section 1. Zoning Text amended: The following specified sections of the text of the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code) are amended as follows:

- A. Table of Contents:
Add CBD5A to Chapter 50: Central Business District (CBD) Zones as set forth in **Exhibit A** attached to this ordinance and incorporated by reference.
- B. Chapter 1. User Guide:
Add CBD5A to Section 1.05: How To Use This Code as set forth in **Exhibit B** attached to this ordinance and incorporated by reference.
- C. Chapter 5. Definitions:
Add CBD5A to Section 5.960: Use Zone as set forth in **Exhibit C** attached to this ordinance and incorporated by reference.

- D. Chapter 50. Central Business District (CBD) Zones:
Add new use zone chart CBD5A as set forth in **Exhibit D** attached to this ordinance and incorporated by reference.
- E. Chapter 142. Design Review:
Text amendments to Sections 142.35 as set forth in **Exhibit E** attached to this ordinance and incorporated by reference.

Section 2. Zoning Map amended: The following specified zones of Ordinance 3710 as amended, the Kirkland Zoning Map, are amended as follows:

As set forth in **Exhibit F**, which by this reference is incorporated herein.

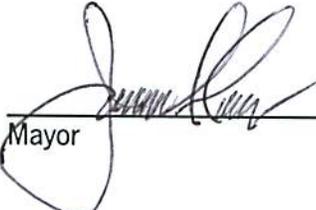
Section 3. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. This ordinance shall be in full force and effect five days from and after its passage by the City Council and publication pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council as required by law.

Section 5. A complete copy of this ordinance 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 open meeting this 16th day of December, 2008.

SIGNED IN AUTHENTICATION THEREOF this 16th day of December, 2008.



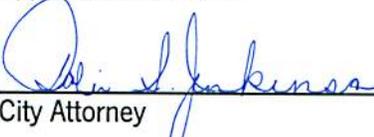
Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney

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[Click here](#) to view adopted ordinances that have not yet been inserted into the Zoning Code as well as pending regulations under consideration.

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[Chapter 15](#) – Single-Family Residential (RS) Zones

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[Chapter 25](#) – Professional Office Residential (PR) Zones

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[Chapter 53](#) – Rose Hill Business District (RHBD) Zones

1.05 How To Use This Code

This code has been designed and drafted to make it as easy as possible for the user to determine all land use regulations that apply to a particular piece of property and to uses, structures, and activities on that piece of property. Follow the step-by-step procedure laid out below to find applicable regulations.

1. Find the subject property on the Zoning Map. The subject property will be within one of the following use zones sequentially listed:

Add **CBD 5A** to following chart.

RS	CBD 3	RH 2C	TL 1B	TL 10C
RSX	CBD 4	RH 3	TL 2	TL 10D
RM	CBD 5	RH 4	TL 3A	TL 10E
PR	CBD 6	RH 5A	TL 3B	TL 11
PO	CBD 7	RH 5B	TL 3C	PLA 1
WD I	CBD 8	RH 5C	TL 3D	PLA 2
WD II	JBD 1	RH 7	TL 4A	PLA 3
WD III	JBD 2	RH 8	TL 4B	PLA 5
FC III	JBD 3	NRH1A	TL 4C	PLA 6
BN	JBD 4	NRH1B	TL 5	PLA 7
BC	JBD 5	NRH2	TL 6A	PLA 9
BCX	JBD 6	NRH3	TL 6B	PLA 14
LIT	RH 1A	NRH4	TL 7	PLA 15
P	RH 1B	NRH5	TL 8	PLA 16
CBD 1	RH 2A	NRH6	TL 10A	PLA 17
CBD 2	RH 2B	TL 1A	TL 10B	PLA 17A

2. Refer to the text of this code and find the chapter that corresponds to the use zone in which the subject property is located.
3. Each of these use zone chapters contains a series of charts. Read down the first vertical column of each chart to find the use in which you are interested. In some zones, certain uses are listed specifically (e.g., “Retail variety or department store” in Neighborhood Business Zones). In other zones, uses are listed generally (e.g., “Any retail establishment ... selling goods or providing services...” in Community Business Zones). In many cases, the general listing encompasses what could otherwise be numerous separate uses.

Uses and activities that fall under the definition of “adult entertainment use or activity” are not permitted except as allowed in Chapter [72](#) KZC.

Chapter 5 – DEFINITIONS

Sections:

[5.05](#) User Guide

[5.10](#) Definitions

5.05 User Guide

The definitions in this chapter apply for this code.

5.10 Definitions

The following definitions apply throughout this code unless, from the context, another meaning is clearly intended:

*****Definitions numbered .005 through .945.5 will not change and so are not shown.***

.955 Use – The nature of the activities taking place on private property or within structures thereon. Each separate listing under the “Use” column in the Chapters [15](#) through 60 KZC is a separate use.

.960 Use Zone – The zoning designations on the Zoning Map as follows:

Add CBD-5A to the chart below.

RS 35	LIT	RH 5B	TL 10E
RSX 35		RH 5C	TL 11
RS 12.5	P	RH 7	
RSX 12.5		RH 8	PLA 1
RS 8.5	CBD 1		PLA 2
RSX 8.5	CBD 2	NRH 1A	PLA 3A
RS 7.2	CBD 3	NRH 1B	PLA 3B
RS 6.3	CBD 4	NRH 2	PLA 5A
RS 5.0	CBD 5	NRH 3	PLA 5B
RSX 5.0	CBD 6	NRH 4	PLA 5C
	CBD 7	NRH 5	PLA 5D
RM 5.0	CBD 8	NRH 6	PLA 5E
RM 3.6			PLA 6A
RM 2.4	MSC 1	TL 1A	PLA 6B
RM 1.8	MSC 2	TL 1B	PLA 6C
	MSC 3	TL 2	PLA 6D
WD I	MSC 4		PLA 6E
WD II		TL 3A	PLA 6F
WD III	JBD 1	TL 3B	PLA 6G
	JBD 2	TL 3C	PLA 6H
PR 8.5	JBD 3	TL 3D	PLA 6I

PR 5.0	JBD 4	TL 4A	PLA 6J
PR 3.6	JBD 5	TL 4B	PLA 6K
PR 2.4	JBD 6	TL 4C	PLA 7A
PR 1.8		TL 5	PLA 7B
	RH 1A	TL 6A	PLA 7C
PO	RH 1B	TL 6B	PLA 9
	RH 2A	TL 7	PLA 15A
FC III	RH 2B	TL 8	PLA 15B
	RH 2C	TL 10A	PLA 16
BN	RH 3	TL 10B	PLA 17
BC	RH 4	TL 10C	PLA 17A
BCX	RH 5A	TL 10D	

- .965 Vehicle Service Station – A commercial use supplying petroleum products that are for immediate use in a vehicle.
- .970 Vehicle Storage Area – An outside area which is used for the storage of operational vehicles.
- .973 Vehicular Access Easement or Tract – A privately owned right-of-way, but not including a driveway easement.
- .974 View Corridor – An open area that provides an unobstructed view across the subject property to and beyond Lake Washington from the adjacent right-of-way.
- .975 Wall Sign – A sign attached to and extending not more than 18 inches from the facade or face of a building with the exposed face of the sign parallel to the facade or face of the building.
- .980 Waterward – Toward the body of water.
- .985 Wetland – As defined in Chapter [90](#) KZC.
- .990 Wholesale Trade – A commercial establishment which sells to retail establishments.
- .995 Zones – Use zones.
- .1000 Zoning Map – The map designated as such and adopted by the City showing the geographical location of use zones within the municipal boundaries.

CBD 5A USE ZONE CHART

KZC 50.38.A User Guide. The charts in KZC 50.38.C contain the basic zoning regulations that apply in the CBD 5A zones of the City. 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 50.38.B - 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.

USE ZONE CHART

Section 50.38.C

Use: Mixed Use Development containing office, retail and restaurant uses. See Special Regulations 1, 2, 3 and 4.

Required Review Process: DR, Chapter 142 KZC. See Special Regulation 1

Minimums:

Lot Size: None

Required Yards: see Plate X-1.

Maximums:

Lot Coverage: 100%.

Height of Structures: See Special Regulation 5 and Plate X-2A and X2-B.

Landscape Category: None

Sign Category: E. See Special Regulation 6.

Required Parking: See Special Regulation 7.

Special Regulations:

1. Development under this Use shall be pursuant to the Parkplace Master Plan and Design Guidelines contained in Kirkland Municipal Code 3.30. Compliance with the Master Plan and Design Guidelines shall be determined through DR, Chapter 142.
2. The gross floor area of retail and restaurant uses in this zone shall be equal to or greater than 25% of the gross floor area of office uses in this zone. Retail uses may include accessory short term drop-off children's play facilities.
3. The following additional uses are allowed subject to restrictions listed:
 - a. Hotel; or Athletic Club. Accessory retail or restaurant uses shall be included as retail uses under Special Regulation 2 provided they are open to the public.
 - b. Movie theater. This use may be included as a retail use under Special Regulation 2 provided that the gross floor area of this use shall not count toward more than 10% of the required minimum gross floor area of retail and restaurant uses.
 - c. Private Lodge or Club; Church; School, Day-care Center, or Mini-School or Day-care Center; Public Utility, Government Facility, or Community Facility; Public Park.
 - d. Assisted Living Facility (including a nursing home if part of the facility); Stacked or Attached Dwelling Units; provided that the gross floor area of these uses does not exceed 10% of the total gross floor area for the Master Plan.
4. The following uses are prohibited:
 - a. Any retail establishment exceeding 70,000 square feet.
 - b. At grade drive-through facilities.
 - c. The outdoor storage, sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers.
5. Rooftop appurtenances may exceed the applicable height limitation by a maximum of 16 feet if the area of all appurtenances and screening does not exceed 25 percent of the total area of the building rooftop. All other regulations for rooftop appurtenances in Chapter 115 shall apply.
6. Prior to installation of permanent signs, the development must submit and receive approval of a Master Sign Plan pursuant to Chapter 100.
7. The following establishes the number of parking spaces required:
 - a. Residential uses must provide 1.7 parking spaces for each dwelling unit and one parking space for each assisted living unit.
 - b. Restaurants and taverns must provide one parking space for each 125 square feet of gross floor area
 - c. All other uses must provide one parking space for each 350 square feet of gross floor area.

A mix of uses with different peak parking times makes a project eligible for applying a shared parking methodology to parking calculations. Further parking reductions may be appropriate through a transportation management plan (TMP) and parking management measures. The development may propose and the Planning Official may permit a reduction in the required number of parking spaces based on a demand and utilization study prepared by a licensed transportation engineer. The study shall include an analysis of shared parking demonstrating that the proposed parking supply is adequate to meet the peak parking demand of all uses operating at the same time. A TMP and parking management measures shall be incorporated into the analysis. An analysis of the effectiveness of the TMP and parking management measures shall be provided for City review. The City's transportation engineer shall approve the scope and methodology of the study as well as the effectiveness of the TMP and parking management measures.

Plate X-1
CBD 5A Required Yards

Exhibit D
O-4171

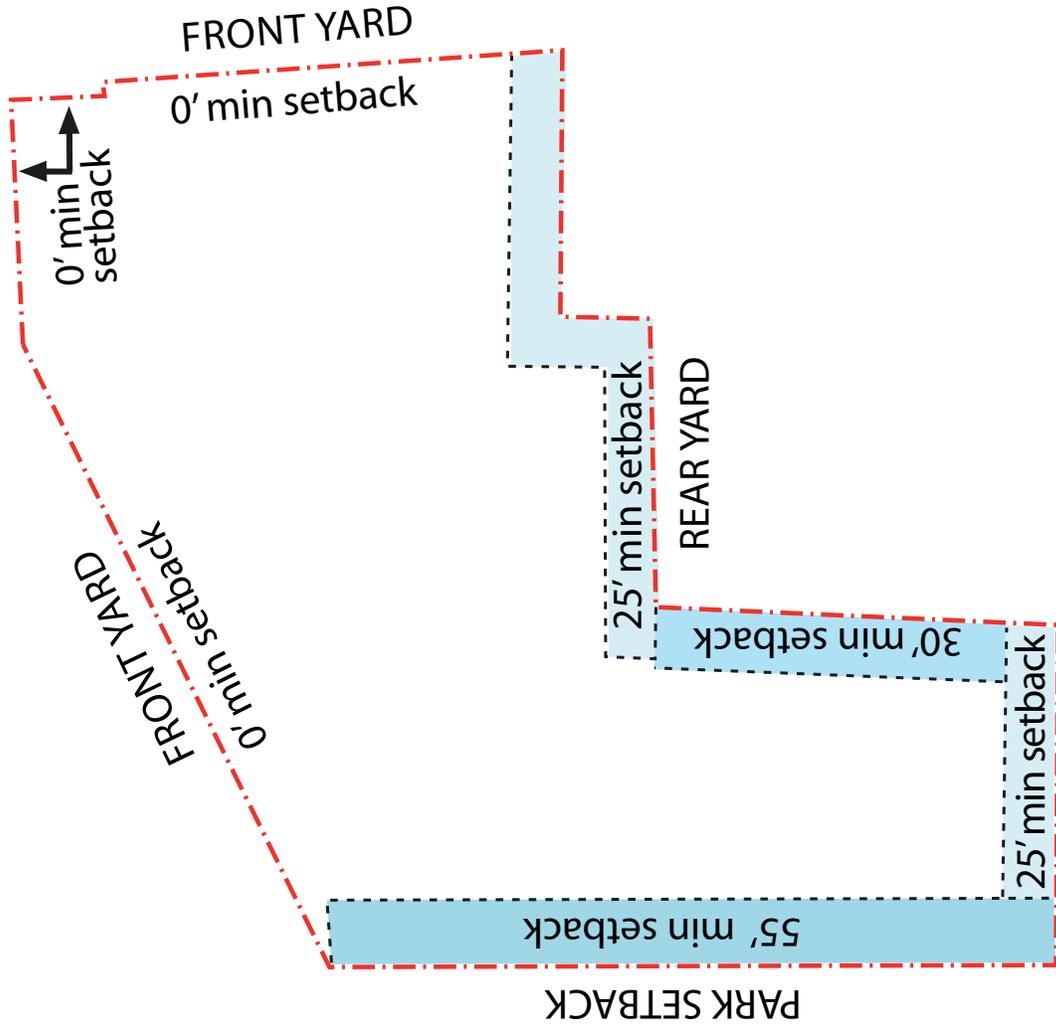
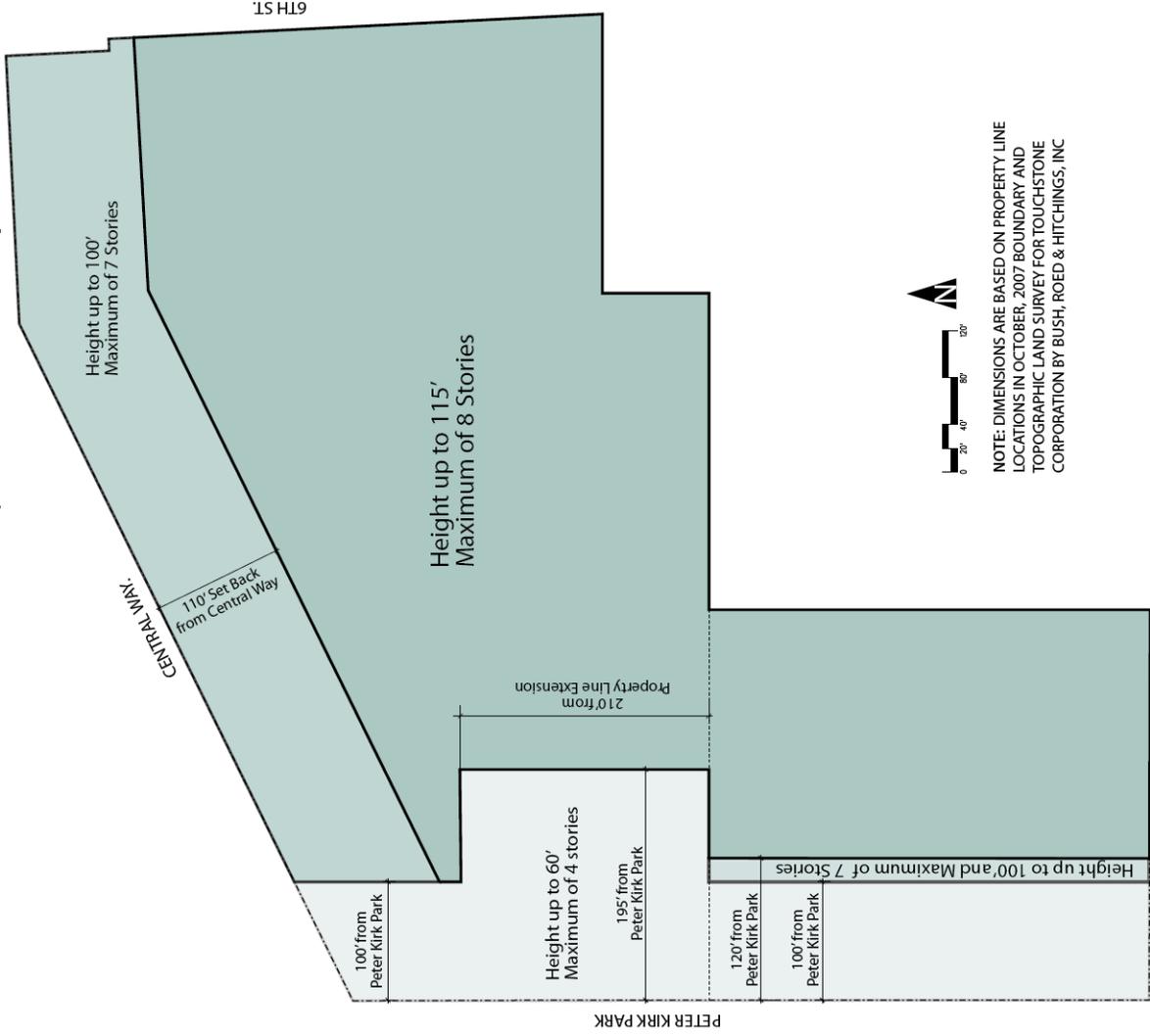


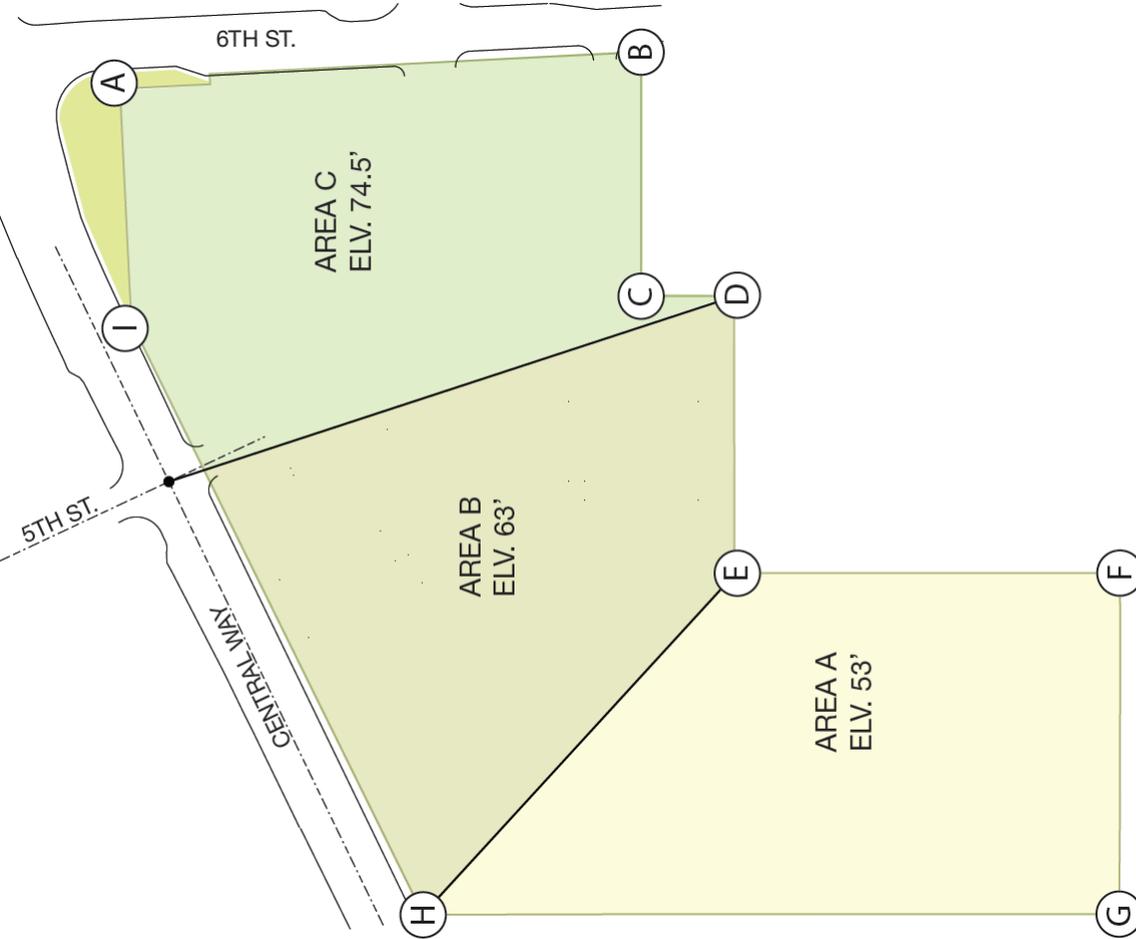
Plate X-2A CBD 5A Maximum Building Heights

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



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

CBD 5A Maximum Building Height and Stories Measurement Points



Building Height & Number of Stories: Measurement Points

GENERAL NOTES:

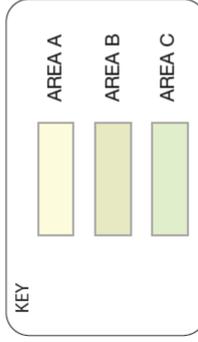
1. Where a minimum of 75% of the Gross Floor Area of a building is located in area "A", the Building Measuring Point will be elevation 53.0 feet above sea level
2. Where a minimum of 75% of the Gross Floor Area of a building is located in area "B", the Building Measuring Point will be elevation 63.0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

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

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

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

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

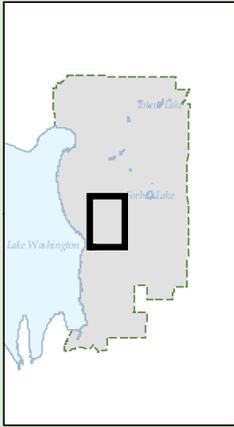


KZC 142.35 Design Board Review (D.B.R.) Process

1. Timing of D.B.R. – For any development activity that requires D.B.R. approval, the applicant must comply with the provisions of this chapter before a building permit can be approved; provided, that an applicant may submit a building permit application at any time during the design review process. An applicant may request early design review, but such review shall not be considered a development permit or to in any way authorize a use or development activity. An application for D.R. approval may be considered withdrawn for all purposes if the applicant has not submitted information requested by the City within 60 calendar days after the request and the applicant does not demonstrate reasonable progress toward submitting the requested information.
2. Public Meetings – All meetings of the Design Review Board shall be public meetings and open to the public.
3. Authority – The Design Review Board shall review projects for consistency with the following:
 - a. Design guidelines for pedestrian-oriented business districts, as adopted in Chapter 3.30 KMC.
 - b. Design Guidelines for the Rose Hill Business District (RHBD) and the Totem Lake Neighborhood (TLN) as adopted in Chapter 3.30 KMC.
 - c. The applicable neighborhood plans contained in the Comprehensive Plan for areas where Design Review is required.
 - d. The Design Principles for Residential Development contained in Appendix C of the Comprehensive Plan for review of attached and stacked dwelling units located within the NE 85th Street Subarea and the Market Street Corridor.
 - e. [The Parkplace Master Plan and Design Guidelines for CBD 5A as adopted in Chapter 3.30 KMC.](#)
4. The Design Review Board is authorized to approve minor variations in development standards within certain Design Districts described in KZC 142.25(6)(a) provided the variation complies with the criteria of KZC 142.25(6)(b).

Current Zoning

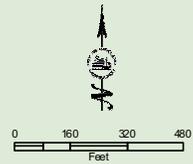
O-4171



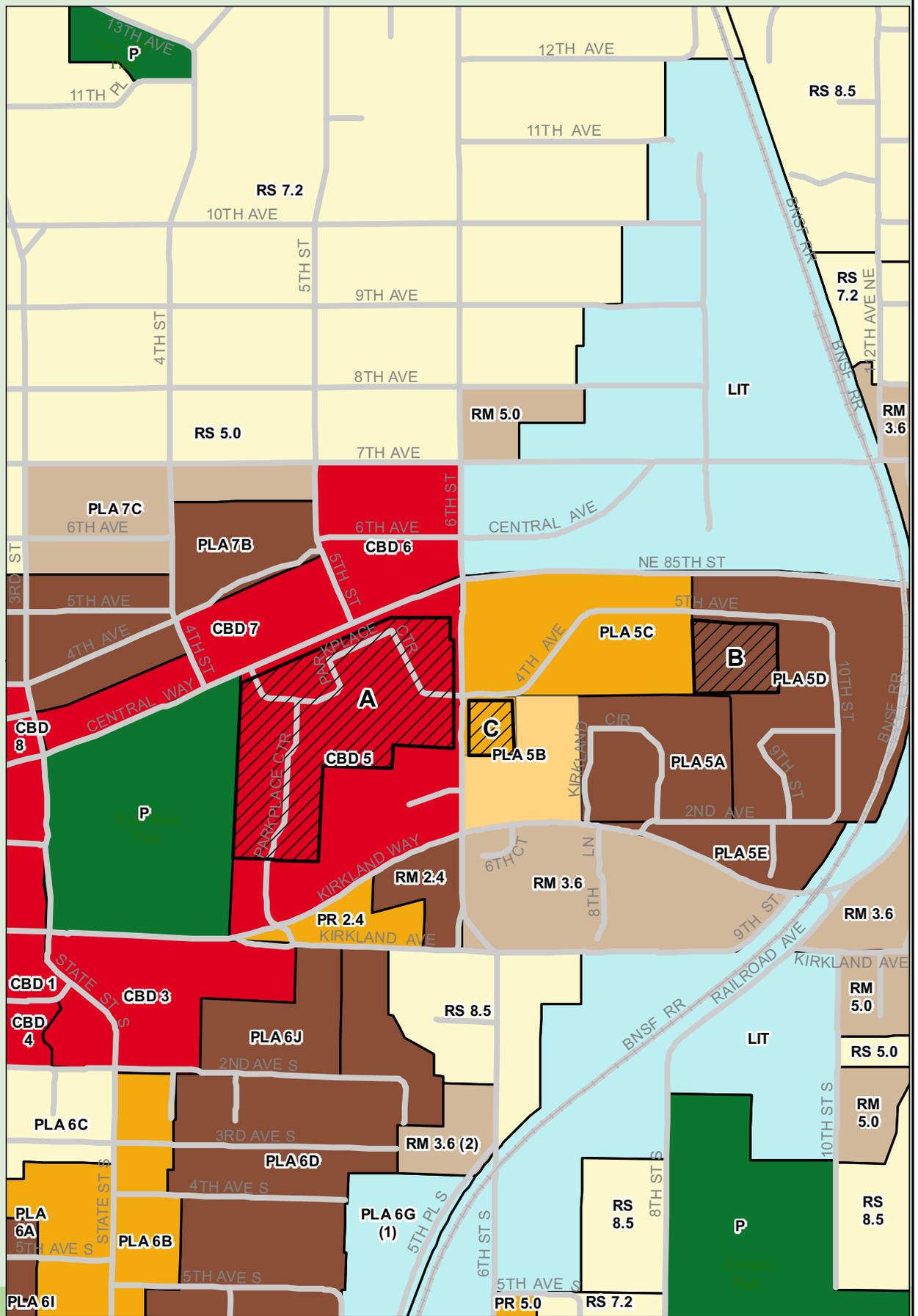
Vicinity Map



- Map Legend**
- Planned Action Areas
 - Railroad Centerline
 - Commercial
 - Industrial
 - Light Manufacturing Park
 - Office
 - High Density Residential
 - Medium Density Residential
 - Low Density Residential
 - Institutions
 - Park/Open Space



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fitness or merchantability, accompany this product.



PUBLICATION SUMMARY
OF ORDINANCE NO. 4171

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE), AND THE KIRKLAND ZONING MAP, ORDINANCE 3710 AS AMENDED, TO IMPLEMENT THE NEW CBD5A ZONE, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00016.

SECTION 1. Amends the following specific portions of the Kirkland Zoning Code:

- A. Amends Table of Contents, Central Business District CBD Zones;
- B. Amends Chapter 1. User Guide Section 1.05;
- C. Amends Chapter 5. Definitions Section 5.960;
- D. Adds new zone to Chapter 50. Central Business District (CBD) Zones;
- E. Amends Chapter 142. Design Review Section 142.35

SECTION 2. Amends the Kirkland Zoning Map as set forth in Exhibit F.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as five days after publication of summary.

SECTION 5. Establishes certification by City Clerk and notification of King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 16th day of December, 2008.

I certify that the foregoing is a summary of Ordinance 4171 approved by the Kirkland City Council for summary publication.



City Clerk

ORDINANCE No. 4175

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND PLANNING; ESTABLISHING A PLANNED ACTION FOR TWO 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; and
- 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 with the mitigation measures identified in Exhibit B..

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 two 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); and the parcel at 220 6th Street and the parcel at 603 and 611 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 16, 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; and
- (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 Area 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 C (Altom)
Office	1,200,000 sq. ft.	101,234 sq.ft. ²
Residential	<i>Not Analyzed</i>	20 dwelling units
Retail/Commercial ¹	592,700 sq.ft. ³	<i>Not Analyzed</i>
Total	1,792,700 sq.ft.	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. If residential uses are included, the amount of permitted office use square footage would be reduced proportionately to meet zoning standards.

3. 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 4(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.

(4) *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 C (Altom) Range – Net New Trips
PM Peak Hour	3,531	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. The City Public Works Director shall have the discretion to adjust the allocation of responsibility for required improvements as between individual planned action projects based on their identified impacts. 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 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 C 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 and C shall be provided as required by the Kirkland 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) **Transportation Impact Fees.** 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.

(f) **Capital Facilities.** Improvements to water facilities are identified in Exhibit B. The City Public Works Director shall have the discretion to determine and allocate responsibility for required improvements as between individual Planned Action projects.

(5) ***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.

(6) ***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 (4)(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 that meets all of the following conditions as a Planned Action pursuant to RCW 43.21C.031(2)(a):

(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;

(6) If a project is determined not to 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; and

(7) 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 16th day of December, 2008.

Signed in authentication thereof this 16th day of December, 2008.



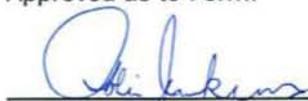
MAYOR

Attest:



City Clerk

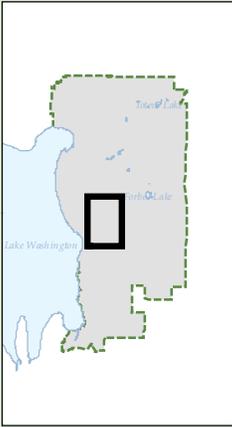
Approved as to Form:



City Attorney

Vicinity Map

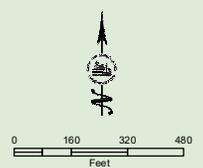
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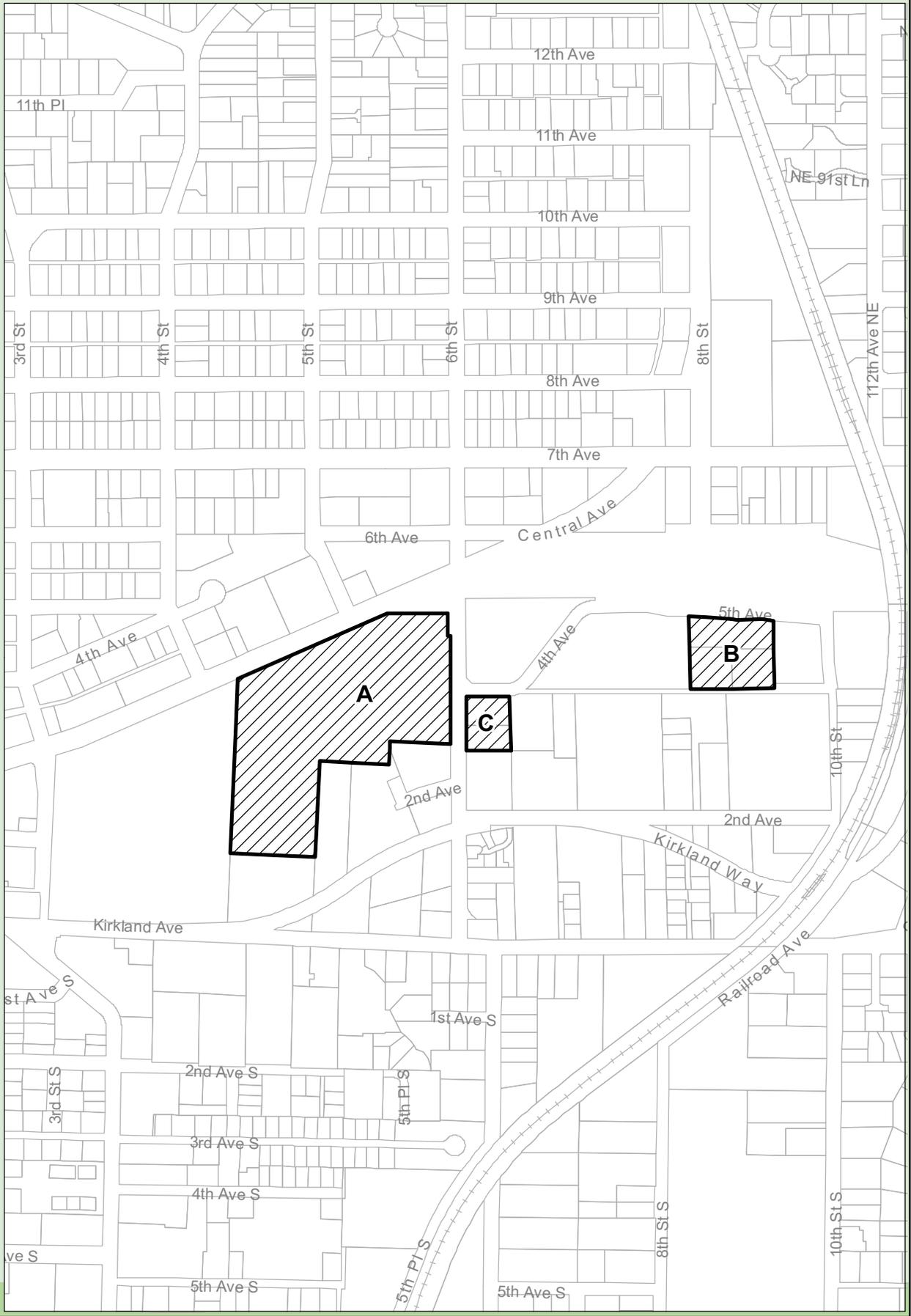
Vicinity Map
 0 5,900 11,800 17,700
 Feet

Map Legend

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



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 No warranties of any sort, including but not limited to accuracy,
 fitness or merchantability, accompany this product.



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
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
109	NE 85th Street/114th Avenue NE	Restripe southbound dual left and eastbound right to through conversion.	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			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
169	6th Street/7th Avenue	and southbound approaches 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		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		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	X
316	Tolem Lake Boulevard/NE 132nd Street	Reconfigure the intersection based on the 132nd Street Study and new I-405 northbound on-ramp			X				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 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 transportation

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.

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. **Incentive for Alternative Travel Modes** – Initially, office tenants shall offer a transit pass or a “transportation allowance” for all employees who do not drive to work. The allowance, which should be equal to the cost of an average transit pass, can be used for vanpool fees, to support carpooling, or as a bonus for employees who walk or ride their bike to work.
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.

PUBLICATION SUMMARY
OF ORDINANCE NO. 4175

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND PLANNING; ESTABLISHING A PLANNED ACTION FOR TWO 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.

SECTION 1. Explains purpose of the Planned Action.

SECTION 2. Sets forth City Council findings relative to the Planned Action.

SECTION 3. Outlines procedures and criteria for evaluating and determining projects as Planned Actions.

SECTION 4. Provides that the ordinance and mitigation measures imposed by the ordinance shall control in the event a of conflict with other ordinances and regulations of the City, except in the case of conflicting provisions of the state building code or any development agreement between the City and a Planned Action applicant.

SECTION 5. Provides a severability clause for the ordinance.

SECTION 6. Provides the ordinance shall expire ten years from the date of passage unless extended by the City Council following a report from the SEPA Responsible Official and a public hearing.

SECTION 7. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 16th day of December, 2008.

I certify that the foregoing is a summary of Ordinance 4175 approved by the Kirkland City Council for summary publication.



City Clerk



Memorandum

Date:	June 16, 2010
To:	Angela Ruggeri, AICP, Senior Planner Department of Planning and Community Development City of Kirkland 123 Fifth Avenue Kirkland, WA 98033
From:	Lisa Grueter, Senior Planner/Planning Team Manager
Subject:	Supplemental EIS – Distinction of 2008 FEIS Review and Proposed Action Alternatives

The City recently issued the following document in May 2010:

Comprehensive Plan Land Use, Capital Facility, and Transportation Amendments and Zoning and Municipal Code Amendments Draft Supplemental Planned Action Environmental Impact Statement (DSEIS)

The 2010 DSEIS is a supplement to a 2008 document titled “Downtown Area Planned Action Final Environmental Impact Statement” (FEIS).

A planning commissioner requested some assistance in discerning the differences between the 2008 FEIS Review Alternative and the 2008 Proposed Action. These 2008 alternatives are referenced in Chapter 1 of the 2010 DSEIS, but were reviewed in detail in the prior 2008 FEIS. The 2010 DSEIS focuses instead on three new alternatives, Superblock, Unified Ownership, and Offsite Alternatives.

The 2008 FEIS Review Alternative and 2008 Proposed Action Alternative are similar in terms of growth and location – both 954,000 new square feet of commercial and office space and both on the Parkplace site alone. The primary difference among these two alternatives is in design. The 2008 FEIS Review Alternative included the following features intended to reduce impacts:

- **Design Guidelines:** Require that development comply with the Parkplace Master Plan and Design Guidelines.
- **Land Uses:** Require that the amount of retail provided equal at least 25% of the office space provided in the development. Establish other land uses, including hotel, athletic club, and movie theater as allowed uses subject to conditions. Prohibit retail uses from exceeding 70,000 square feet in size, and drive-through facilities, among others.
- **Maximum Height Limits:** Establish maximum height standards are equivalent to the 8-story maximum height discussed in the Proposed Action but varied near Peter Kirk Park and Central Way:

Distinction of 2008 FEIS Review and Proposed Action Alternatives
 June 16, 2010
 Page 2 of 2

- Up to 115 feet in CBD-5A zone with following exceptions:
 - Up to 60 feet in height within 100 feet of Peter Kirk Park,
 - Transitional height area of up to 100 feet between 100 feet and 120 feet of Peter Kirk Park; and
 - Up to 100 feet within 100 feet of Central Way.
- An exceedance in rooftop appurtenance height by 16 feet if covering less than 25% of the rooftop.
- Building(s) south of the central open space must be terraced¹ to allow for sun to reach 50% of the open space at 2:00 pm on March 21 and September 21.
- Establish specific setback and stepback requirements which are consistent with or more restrictive than considered under the 2008 Proposed Action:
 - Central Way. No setbacks along Central Way and 6th Street if there is a relationship between the building and the pedestrian level of development (such as retail uses). Otherwise, provide a building setback.
 - Peter Kirk Park. A 55-foot minimum setback adjacent to the park.
 - South/southeast boundary. A 20-foot minimum setback along the south portion of the area adjacent to the existing office and residential uses.
- Parking Study: Require submittal of a study to justify parking less than required in the zoning code based on shared use and inclusion of a transportation management plan (TMP) and parking management plan (PMP) as part of the parking reduction study.
- Pedestrian Features and Open Space: Establish a network of streets, sidewalks, and open spaces on site and connecting with adjoining streets and developments. Provide pedestrian connections as outlined in the existing Moss Bay Neighborhood Plan. Provide a large central open space.

Due to the above design changes, land use and aesthetic impacts were reduced under the 2008 FEIS Review Alternative compared to the 2008 Proposed Action Alternative. The transportation impacts were considered to be similar due to the similar size and location of the two alternatives. More information comparing the two 2008 alternatives is found in the 2010 DSEIS Appendix A, Table A-14 on page 39 as well as in the original 2008 FEIS.

¹ When adopted, the design guidelines indicated that the building to the south of the central plaza will be designed so that it is under a 41 degree angle measured from the center of the plaza.

IX. TRANSPORTATION

Policy T-6.5: Minimize change to topography to the extent feasible when building new rights-of-way.

The provision of streets requires large public expenditures for construction and maintenance, as well as other nonmonetary costs to the living environment. This policy is intended to minimize these costs by preserving land and the natural landscape to the maximum extent possible.

Policy T-6.6: Identify, evaluate, and minimize or mitigate the negative environmental impacts of transportation facilities and services whenever feasible.

When planning and private, need to be evaluated for mitigation in transportation facilities and stream quality deterioration, noise pollution, and landform changes.

The Capital Facilities Element also includes a list of projects over a 12 year period in time.

ies, both public and appropriate impacts of transportation include wetland on removal, air

FINANCE

The Comprehensive Plan's funding strategy gives high priority to maintenance of the existing circulation system in a safe and serviceable condition. The strategy for the remaining transportation resources largely devotes them to creating a better balance among travel modes. These new systems include pedestrian, bicycle, transit, and ridesharing facilities and services. This support of new systems results in a funding trade-off, financing the creation of a new, more balanced, circulation environment that gets more use by pedestrians and transit users, instead of financing road improvements that could potentially make it easier to travel by single-occupant vehicle.

Through mitigation some of the forecasted congestion could be reduced (though not eliminated) by substantially increasing the amount of transportation funding and using the revenues to increase system capacity (particularly road capacity). However, it has been assumed in the Comprehensive Plan that available financial resources will continue to be substantially

limited. In addition, the region's jurisdictions have already reached a consensus not to base their transportation future (nor funding for it) on a vastly expanded road system or the dispersed patterns of development that these systems support. This consensus is supported by State and federal policies and funding guidelines. Kirkland's plan and funding strategy are consistent with these larger systems and financial commitments.

The Growth Management Act requires local jurisdictions, including Kirkland, to identify and fund transportation improvements that are sufficient to sustain the level of service standard that has been selected and approved by that jurisdiction. The program of improvements must be funded by revenues that Kirkland agrees to commit toward their construction over the next six-year period. Revenues may include sources such as transportation mitigation fees, State and federal grants, and others.

Section D of this chapter contains a list and map of transportation projects that have been identified for the 20-year planning period. The Capital Facilities Element includes the six-year program of improvements with identified funding sources. Each year the six-year program will be reassessed with regard to funding commitments, project feasibility, and relationship to the implementation of the Comprehensive Plan.

In addition to local projects managed and financed primarily by Kirkland, a number of regional projects are expected to be implemented during the planning period. These projects include improvements to I-405 and its interchanges as well as a regional high-capacity transit system. For this Comprehensive Plan, the high-capacity transit system is assumed to be funded and constructed within the planning period consistent with transportation plans for the adjoining cities of Bellevue and Redmond. The Kirkland Comprehensive Plan can be amended to reflect any future changes in the regional system.

IX. TRANSPORTATION

traffic which may impact intersections or streets in adjoining cities. Interlocal agreements are legally binding documents spelling out how two adjoining cities will handle mitigation of impacts in these cases.

Policy T-8.5: Cooperate with adjacent jurisdictions to develop a regional network of facilities for nonmotorized transportation.

Bicyclists and pedestrians, like vehicular traffic, have needs which cross City boundaries. The best regional nonmotorized system is one which is carefully coordinated to provide the most convenient and safe routes to major destinations.

Policy T-8.6: Strive to meet federal and State air quality standards.

Kirkland is part of the central Puget Sound region which is a federally designated non-attainment area. In order to comply with the Washington State Clean Air Conformity Act, the federal Clean Air Act, and to be consistent with the Growth Management Act and Metropolitan Transportation Plan, the City must commit to strategies to reduce pollutants. As described previously in this Element, the City is committed to creating a balanced multimodal transportation system. The emphasis on increasing travel options and reducing single-occupant vehicle use is the City's primary strategy for complying with air quality legislation. The City will also coordinate with the Puget Sound Air Pollution Control Agency as needed to address air quality issues.

Traffic Improvements (which includes transit projects). Projects are grouped under these broad categories for ease of reference.

Table CF-9 provides the following information for each transportation project listed:

- ◆ Cost;
- ◆ CIP project number (if funded in CIP);
- ◆ Source; and
- ◆ Supporting goal.

Table T-5 contains a narrative description and more information about each project. Figure T-6 is a map of the projects.

Figures T-2 and T-3 are the Potential Pedestrian System and Potential Bicycle System, respectively. The potential projects shown on these maps are also shown in Figure T-6 and listed in Table CF-9, located in the Capital Facilities Element. Figures T-2 and T-3 show both the existing and proposed system and, therefore, display the total potential nonmotorized transportation system.

Figure T-7 is a map of the existing signalized intersections. Proposed signals and signal improvements are mapped in Figure T-6 and listed in Table CF-9, located in the Capital Facilities Element.

D. TRANSPORTATION FACILITY PLAN

Tables CF-8 and CF-9, located in the Capital Facilities Plan, and Table T-5 and Figures T-2, T-3, T-6 and T-7 in this Element are interrelated. Together they comprise the overall transportation system and network for the City. Table CF-8 is a list of funded six-year transportation projects along with a financing plan and Table CF-9 is a list of all 2022 transportation projects. Table CF-9 is divided into three sections: (1) Nonmotorized; (2) Street Improvements; and (3)

, CF-8A

; Table CF-8A is a multi-year financing plan for transportation projects through 2020;

I. INTRODUCTION

Table I-7 below shows the 2000 existing household units and jobs, the total number of household units and jobs by 2022 based on the assigned growth targets and the 2000 available capacity for household units

and jobs. Based on certain assumptions for the 2000 available capacity, Kirkland will be able to accommodate its assigned 2022 growth targets.

Table I-7: Comparison of Growth Targets and Available Capacity

	2000 Existing ¹	2022 Growth Targets ²	Available Capacity ³
Housing Units	21,831	27,311 (at 5,480 new households)	28,751 ← 28,800
Employment	32,384	41,184 (at 8,800 new jobs)	58,400 → 54,565

Sources:

- 2000 housing units: Office of Financial Management (OFM). “Households” are occupied units, whereas “housing units” include households (occupied) and vacant units.
2000 employment: City estimate based on existing nonresidential floor area and information about the typical number of employees/ amount of floor area for different types of nonresidential uses. By comparison, the PSRC estimated 2000 employment was 38,828. Examination of PSRC records found errors suggesting this was a significant overestimate.
- Targets for household and employment growth between 2000 and 2022 were assigned by the King Countywide Planning Policies. Targeted growth was added to the 2000 totals to establish the 2022 totals.
- City estimates ~~as of June 2004~~.

B. ABOUT THE COMPREHENSIVE PLAN

Why are we planning?

In 1977, Kirkland adopted a new Comprehensive Plan establishing broad goals and policies for community growth and very specific plans for each neighborhood in the City. That plan, originally called the Land Use Policy Plan, has served Kirkland well. Since its adoption, the plan has been actively used and updated to reflect changing circumstances. The previous Comprehensive Plan has contributed to a pattern and character of development that makes Kirkland a very desirable place to work, live, and play.

Kirkland and the Puget Sound region, however, have changed significantly since 1977. Since the original plan was adopted, the City has not had the opportunity to reexamine the entire plan in a thorough, systematic manner. Passage of the 1990/1991 Growth Management Act (GMA) provided such an opportunity. The GMA requires jurisdictions, including Kirkland, to

adopt plans that provide for growth and development in a manner that is internally and regionally consistent, achievable, and affordable. The 1995 and 2004 updates of the Comprehensive Plan and annual amendments reflect Kirkland’s intention to both meet the requirements of GMA as well as create a plan that reflects our best understanding of the many issues and opportunities currently facing the City.

What is a Comprehensive Plan?

The Comprehensive Plan establishes a vision, goals and policies, and implementation strategies for managing growth within the City’s Planning Area over the next 20 years (see Figure I-2). The Vision Statement in the plan is a reflection of the values of the community – how Kirkland should evolve with changing times. The goals identify more specifically the end result Kirkland is aiming for; policies address how to get there. All regulations pertaining to development (such as the Zoning Code, Subdivision Ordinance, and Shoreline Master Program) must be consistent with the Comprehensive Plan. The end result will be a community that has grown along the lines anticipated by the Comprehensive Plan.

VI. LAND USE

Table LU-4
Comparison of Growth Targets and Available Capacity

	2000 Existing¹	2022 Growth Targets²	Available Capacity³
Housing Units	21,831	27,311 (at 5,480 new households)	28,900 ← 28,800
Employment	32,384	41,184 (at 8,800 new jobs)	54,600 ← 58,400

Sources:

- 2000 housing units: Office of Financial Management (OFM)
2000 employment: City estimate based on existing nonresidential floor area and information about the typical number of employees/ amount of floor area for different types of nonresidential uses. By comparison, the PSRC estimated 2000 employment was 38,828. Examination of PSRC records found errors suggesting this was a significant overestimate.
- Targets for household and employment growth between 2000 and 2022 were assigned by the King County Countywide Planning Policies. Targeted growth was added to the 2000 totals to establish the 2022 totals.
- City estimates.

LAND USE/TRANSPORTATION LINKAGES

Land use/transportation linkage policies address the relationship between the land use pattern and a multi-modal transportation system. Separation of jobs and housing means longer commute trips – generally accommodated on the City’s roadways either by private automobile or transit. When shops and services are long distances from residential areas, this also translates into additional vehicle or transit trips. Allowing residential and nonresidential uses to locate in closer proximity provide transportation options making walking or bicycling more feasible.

Site design standards also impact the ability of drivers, transit riders, pedestrians, and bicyclists to get around. Policies in this section discuss the importance of considering connections and alternative transportation modes when planning new development. The special needs of industrial development are also addressed.

Goal LU-3: Provide a land use pattern that promotes mobility and access to goods and services.

Policy LU-3.1: Provide employment opportunities and shops and services within walking or bicycling distance of home.

Kirkland presently has a fairly complete network of commercial and employment centers, and many of the City’s residential neighborhoods can easily access a shopping area. This policy attempts to further strengthen the relationship between urban neighborhoods and commercial development areas.



Juanita Village as a mixed-use center

**DAVIDSON, CZEISLER &
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June 16, 2010

RECEIVED
JUN 17 2010

VIA MESSENGER AND E-MAIL

PLANNING DEPARTMENT PM
BYCity of Kirkland
Kirkland Planning Commission
Kirkland City Hall
123 - 5th Avenue
Kirkland, WA 98033*Re: Supplemental DEIS for Parkplace*

Dear Planning Commission Members:

I live and work in Kirkland and have followed Touchstone's proposal for Parkplace through the rezone and Design Review Board (DRB) processes. Now that the buildings being proposed can be seen in drawings submitted to the DRB, many will find the actual project differs dramatically from images created in word pictures and artist renderings during the rezoning process. Presentations to the DRB show five very large, block-like office buildings and a hotel packed tightly together. Buildings are mostly eight story with little modulation or architectural connection to the rest of Kirkland. If you and the public find this is the wrong project for Kirkland, then you have the opportunity to reconsider the zoning regulations which would permit it.

As you know, the Growth Management Hearings Board ruled that the EIS upon which the new zoning regulations were based violated the State Environmental Policy Act (SEPA) and ordered the City to reconsider the rezone of Parkplace based on an EIS which complies with SEPA. Unfortunately, the DEIS before you contains a fatal flaw and sets the stage for a repeat of the same mistake. One requirement of SEPA is that the EIS consider at least one alternative action which will have less environmental impact. The DEIS does not have such an alternative. It looks at alternatives which simply spread the environmental impact of increasing commercial zoning capacity by 954,000 square feet to different properties in a two block radius of Parkplace. Moving the site of 954,000 square feet of additional development a few hundred yards one way or the other does not materially decrease environmental impacts. Only an alternative that allows a lesser level of development will produce less environmental impact. Thus, I request that you direct staff and the consultant to add at least one alternative to the DEIS which assumes an increase in commercial zoning capacity to the downtown of 476,000 square feet, which is the

*DAVIDSON, CZEISLER & KILPATRICK**June 16, 2010**Page 2*

mid-point between the Touchstone PAR and the No-Action alternative.

If a lesser alternative is considered in the EIS, then the public and the Council will have the opportunity to truly weigh an alternative with less environmental impacts. What could be the disadvantage of an EIS which allowed the public and the City Council the information on an alternative with less impacts? Including such information in the discussion about an action having substantial environmental impacts is, of course, the whole purpose of SEPA. Please take action to add a lesser alternative to the EIS to faithfully carry out SEPA and inform the public and its elected officials.

Sincerely yours,



Kenneth H. Davidson

KHD:aal

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