



MEMORANDUM

To: Kirkland Planning Commission

From: Jeremy McMahan, AICP

Date: September 16, 2008

Subject: DRAFT CODES AND DRAFT MASTER PLAN AND DESIGN GUIDELINES FOR PARKPLACE PRIVATE AMENDMENT REQUEST, FILE NO. ZON07-00016

RECOMMENDATION:

Review the draft Use Zone Charts for CBD 5A (Attachment 1) for the proposed Parkplace private amendment request and provide direction to staff on any desired revisions. If possible, finalize a draft of the Zoning Code amendments, Master Plan and Design Guidelines in a form sufficient to include in the Final EIS and present for consideration at the public hearing on October 23. Additional changes may be decided subsequent to the hearing.

If the Commission concludes that additional work is needed before the FEIS is published the hearing is held, the FEIS and public hearing will need to be postponed.

BACKGROUND:

Previous direction from the Planning Commission is summarized below:

- Building Height: Needs further discussion with a better understanding of site topography (see discussion below).
- Retail and related uses (see discussion below):
 - The pro shop area of the athletic club is an acceptable use in terms of the 25% retail and retail frontage restrictions provided it is open to the public and not for members only.
 - Concern about the movie theater in terms of both inclusion in the 25% retail requirement and retail frontage requirements.
- Building Stepbacks along Central Way:
 - Buildings along Central Way should present a maximum three story mass before upper stories are stepped back. Some averaging of the step backs should be allowed to ensure there is modulation of the facades with some minimum standards to establish a benchmark. Upper story step backs should be measured relative to the stories below (rather than the property line) as follows:
 - West of the 5th Street alignment, upper stories should be stepped back between 15' and 20' from stories below.

- East of the 5th Street alignment, upper stories should be stepped back 10' from stories below.

Staff has recommended that these provisions be incorporated into the Master Plan and Design Guidelines document with graphics to help articulate the goal. The design team has proposed language on Pages DG-24 and DG-26 of that document (Attachment 6).

DISCUSSION: BUILDING HEIGHT

The remaining issue on building heights is for the Planning Commission to establish benchmark elevations above which previously established heights are measured. Comparisons to other CBD zones and some various options are presented below.

1. How is height measured in other CBD zones?

As shown in the table below, buildings in the “Core Area” defined by CBD 1, 2, and 8 zones are measured relative to the sidewalk grade. The purpose of this measurement point was to ensure good retail orientation in the pedestrian-oriented retail center. This was done partially in response to some older buildings where retail was pushed below the sidewalk grade in order to fit a building into the Average Building Elevation height limits.

ZONE	HEIGHT MEASURED FROM	EXPLANATION
CBD 1	Midpoint of the frontage on abutting right-of-way	Has required some interpretation on corner sites (e.g. – Heathman was measured relative to Kirkland Ave. rather than the sloping grade of 3 rd to help orient the main floor to Kirkland Ave.)
CBD 2	Midpoint of the frontage on abutting right-of-way	
CBD 3	Average building elevation	
CBD 4	Average building elevation	
CBD 5	Average building elevation	
CBD 6	Average building elevation	
CBD 7	Average building elevation	
CBD 8	Midpoint of the frontage on abutting right-of-way (Central Way)	Terracing formula up to north from 41' height above Central Way

2. What are the options for the CBD 5A zone?

The challenge for the Parkplace project is that the site has previously been excavated so that the existing grade is well below the grade of the sidewalks on 6th Street and Central Way. A large size topographic survey with potential building locations is included as Attachment 2. On the perimeter of the site, the applicant wishes to ensure that the retail level of the project is brought up to sidewalk grades. On the interior of the site, the applicant wishes to ensure that the retail levels relate to the levels of the proposed sidewalks and plazas.

The following options have been discussed with the design team and are illustrated in Attachment 3. Benchmark elevations are above sea level based on the site survey. Results of each option are discussed in italics. Based on the discussion below, staff would recommend that the Planning Commission focus on Buildings A, B, and C given the greater number of variables.

Corner of 6th & Central (Building A):

Option #1: Measure from midpoint of frontage on 6th Street ($\pm 77'$)

- *Total building height is $\pm 177'$ ($77' + 100'$ allowed)*
- *Retail floor is set close to grade at corner*

Option #2: Measure from the midpoint of frontage on Central Way ($\pm 71'$)

- *Total building height is $\pm 171'$ ($71' + 100'$ allowed) or 6' lower than Option 1*
- *Retail floor is set below grade at corner*

Option #3: Measure from the midpoint of the combined (averaged) frontage on 6th and Central ($\pm 73.5'$)

- *Total building height is $\pm 173.5'$ ($73.5' + 100'$ allowed) or 3.5' lower than Option 1*
- *Retail floor is set below grade at corner*

6th Street Buildings (Buildings B & C): (note: options for Buildings A, B, and C should be compared to understand the height and grade relationships)

Option #1: Measure from average grade of frontage on all of 6th Street ($\pm 77'$)

- *Total building height is $\pm 192'$ ($77' + 115'$ allowed)*
- *Buildings can be set on a common platform*

Option #2: Measure from the average of the midpoints of Buildings B & C ($\pm 74.5'$)

- *Total building height is $\pm 189.5'$ ($74.5' + 115'$ allowed) or 2.5' lower than Option 1*
- *Structurally challenging to adjust building platforms or below grade structures*

Option #3: Measure each building from its midpoint frontage on 6th ($\pm 72'$ for Building B and $\pm 77'$ for Building C)

- *Building B height is $\pm 187'$ ($72' + 115'$ allowed) or 5' lower than Option 1*
- *Building C height is roughly the same as Option 1*
- *Structurally challenging to adjust building platforms or below grade structures*

Interior Buildings (Building D & E) *(note that building E is represented as a two story building but the Planning Commission has not restricted that building beyond the terraced 60'/100'/115' limits previously decided)*

Option #1: Interpolate/re-create grade between 6th Street and Peter Kirk Park and measure buildings above their midpoint at the interpolated grade ($\pm 63'$ for Building D and $\pm 54'$ for Building E). A diagram showing interpolated grade is included as Attachment 4.

- *Provides a relationship to grades being established interior to the site (particularly the central plaza grade) to move vehicles and pedestrian through the site*

Option #2: Extend building midpoints to Central Way and measure above those points.

- *Approximately the same result as Option 1 but not based on any apparent grade relationships.*

Park Building (Building F)

Measure relative interpolated/re-created grade described for Buildings D & E and measure from the midpoint facing the park ($\pm 53'$).

- *Provides a relationship of the retail level to the grade of the park and the proposed new boulevard.*
- *Building terraces (60'/100'/115') would be set relative to that grade.*

Hotel/Central Way Building (Building H)

Measure from the midpoint of frontage on Central Way ($\pm 60'$)

DISCUSSION: RETAIL USES

In retail zones, the Zoning Code typically lists “Retail” as an allowed use and establishes special regulations to limit or prohibit any specific retail uses within that particular zone. Retail is defined by the KZC as:

A commercial enterprise which provides goods and/or services directly to the consumer, whose goods are available for immediate purchase and removal from the premises by the purchaser and/or whose services are traditionally not permitted within an office use. The sale and consumption of food are included if: (a) the seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use, and (b) it can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.

Special Regulation 4 in the draft chart includes a list of prohibited uses. The Planning Commission should decide if there are any other retail uses that should be limited or prohibited.

Movie theaters and health clubs have traditionally been regulated under a separate use listing for “Entertainment, Cultural and/or Recreational Facilities”. The term is not specifically defined by the Zoning Code.

In Attachment 5, the design team is asking the Planning Commission to expand the retail allowances for Parkplace and has provided photographic examples. The proposed uses are:

- A smaller, “boutique” movie theater up to 30,000 square feet. The applicant has previously noted that the theater has always been included in their 300,000 square foot retail number in response to community requests. The Planning Commission should consider this in terms of the retail square footage/ratio requirement and the retail frontage guidelines.
- Child care. The Planning Commission should decide if this use is appropriate and what the performance standards would need to be to truly activate the streets.
- Retail/restaurant portions of the health club and hotel. Based on initial Planning Commission direction, staff has included these accessory uses in the retail category in the draft CBD 5A chart (see Special Regulation 3.a)

Master Plan and Design Guidelines:

The Draft Master Plan and Design Guidelines document is provided as Attachment 6 for Planning Commission discussion. The goal is to have adequate Planning Commission review and input on September 23rd and October 2nd so that a draft is ready for the public hearing and inclusion as an appendix in the final EIS. Attachment 7 is a draft amendment to KZC 142.35 that would establish DRB authority over the Master Plan and Design Guidelines.

In the first pass through the Master Plan and Design Guidelines, staff suggests that the Commission focus on the big picture issues such as:

- Site layout (the “armature”) in terms of the street grid, retail frontage, and open space layout;
- Building massing – review guidelines for modulation and upper story step backs to ensure that building form will meet expectations. For example, specific step backs have been established from Central Way and from the park but have not been established interior to the site. The DRB had recommended and the Planning Commission had discussed solar access to the central plaza area;
- Gateway treatment;
- Sustainability commitment – the guidelines have not yet established targets for sustainability.

Attachments:

1. Draft Use Zone Charts
2. Topographic survey
3. Diagram showing building height benchmark options
4. Height interpolation diagram
5. Retail examples
6. Draft Master Plan and Design Guidelines
7. Draft KZC 142 amendment

DRAFT CBD 5A USE ZONE CHART

KZC 50.38.A User Guide. The charts in KZC 50.___ 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: 115 feet above _____. See Special Regulation 5 and Plate X-2.

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.
3. The following additional uses are allowed subject to restrictions listed:
 - a. Hotel; Entertainment, Cultural, and/or Recreational Facility. Accessory retail or restaurant uses shall be regulated as retail or restaurant uses provided they are open to the public.
 - b. 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.
 - c. 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. Above grade drive-through facilities.
 - c. The 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. *Insert mixed use parking formula when final...*

Plate X-1

CBD 5A Required Yards

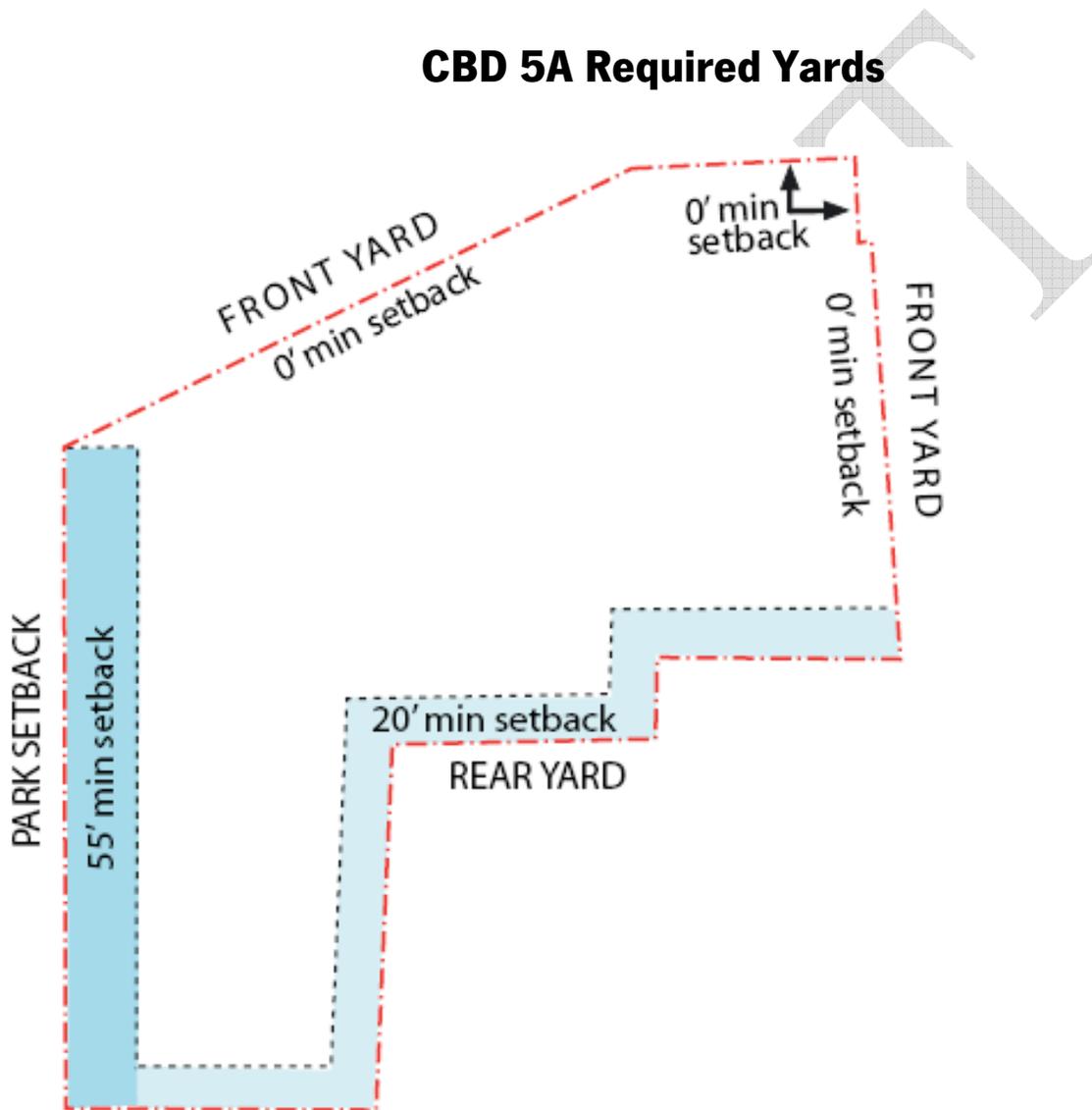
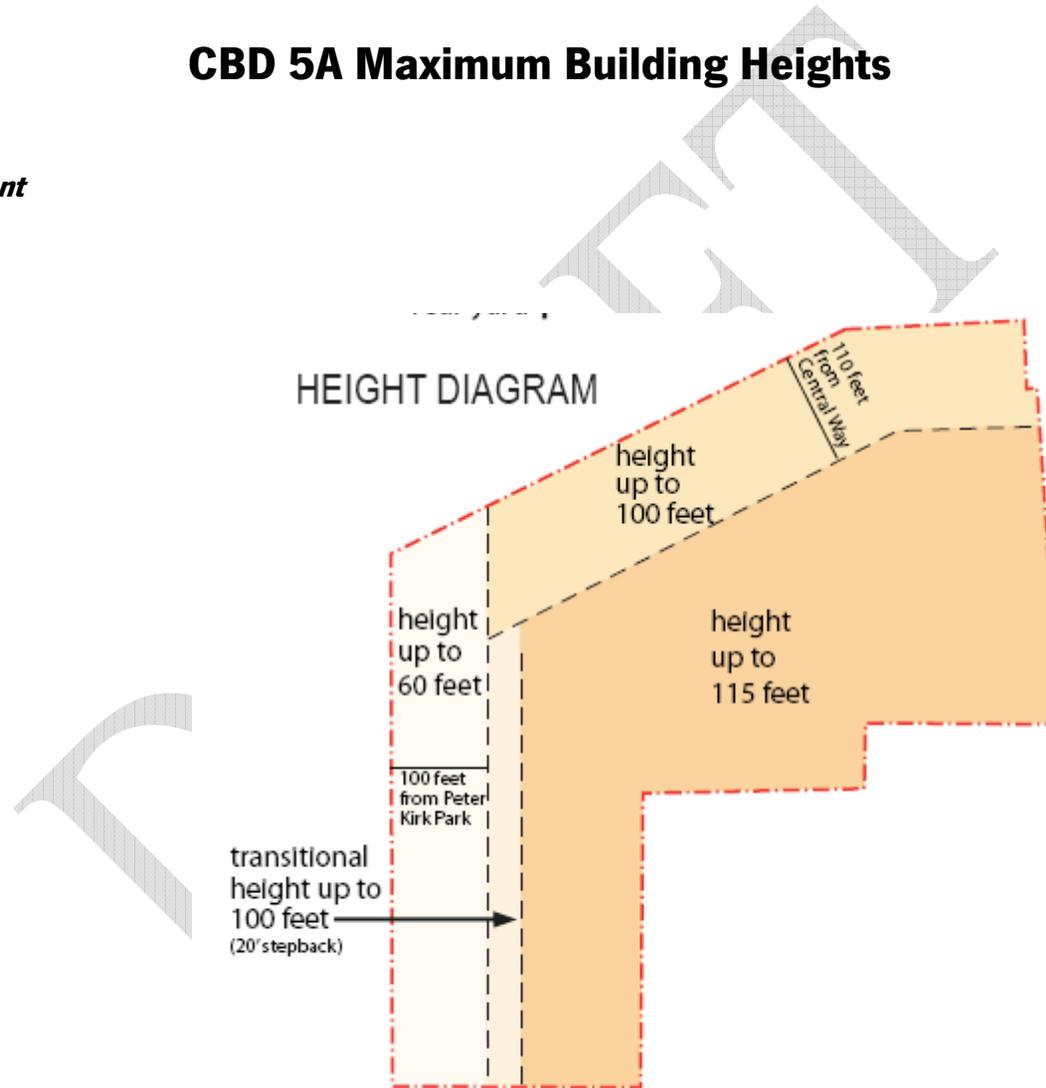


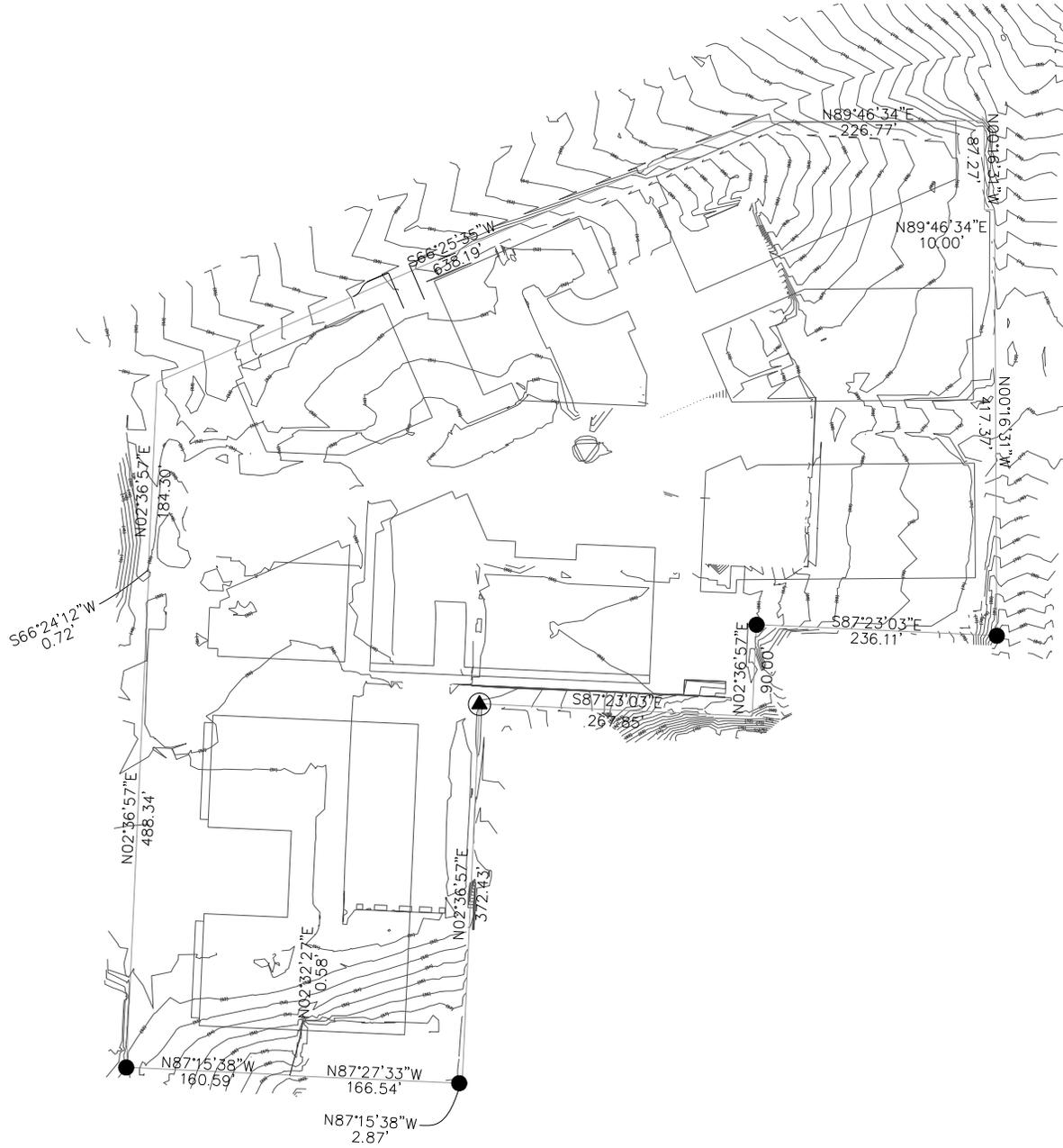
Plate X-2

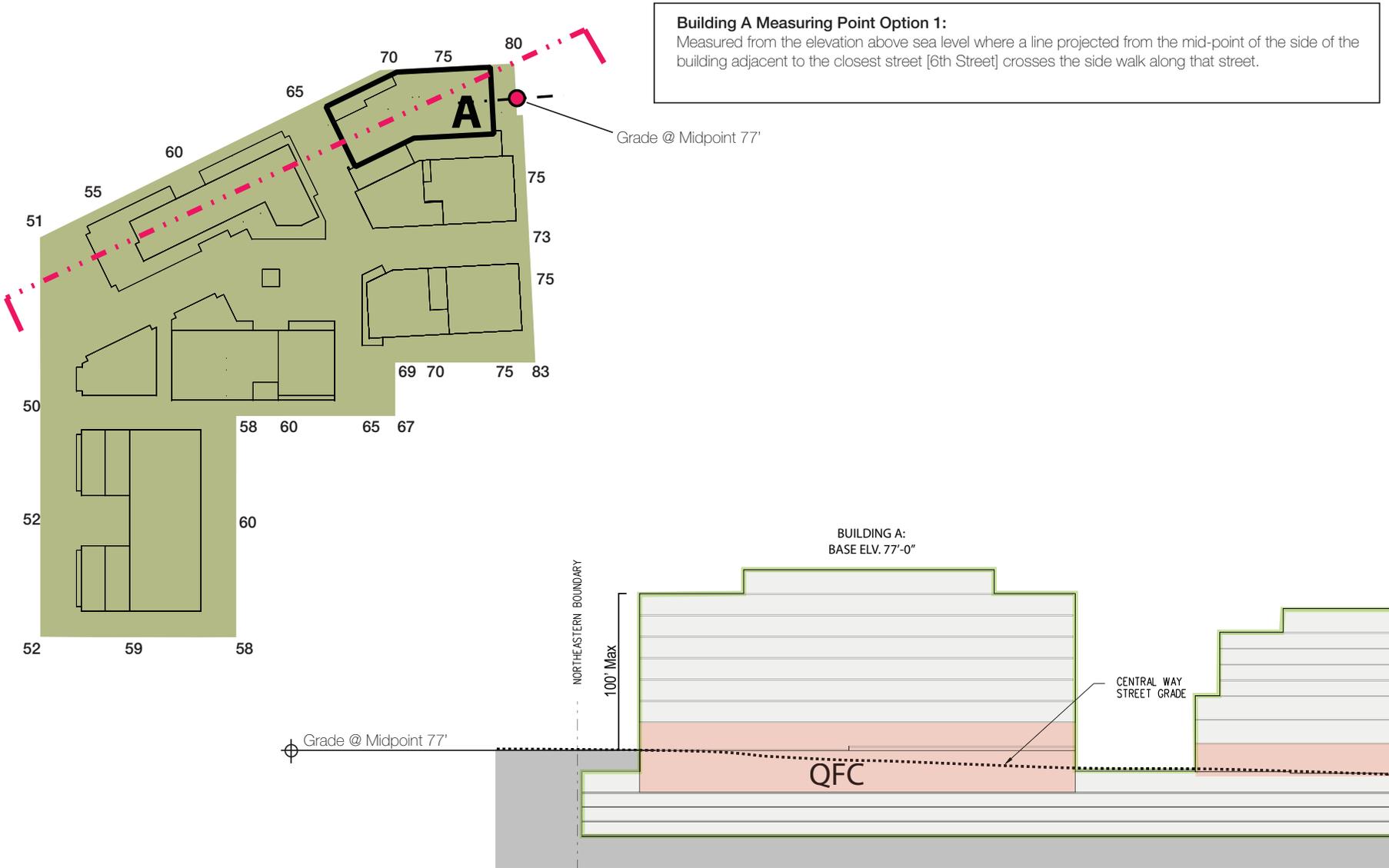
CBD 5A Maximum Building Heights

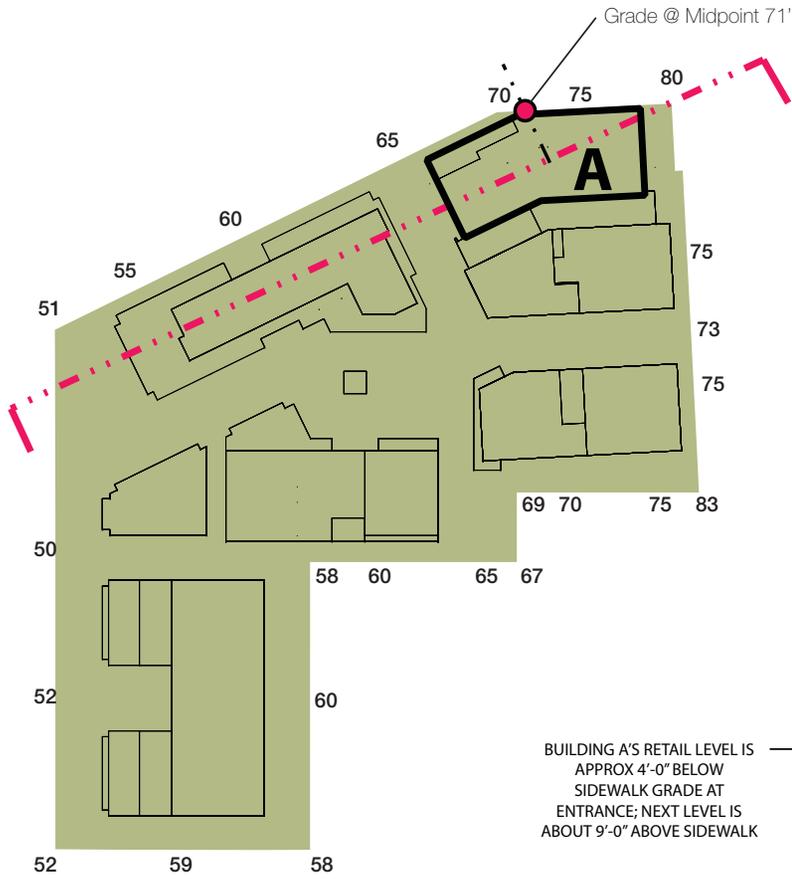
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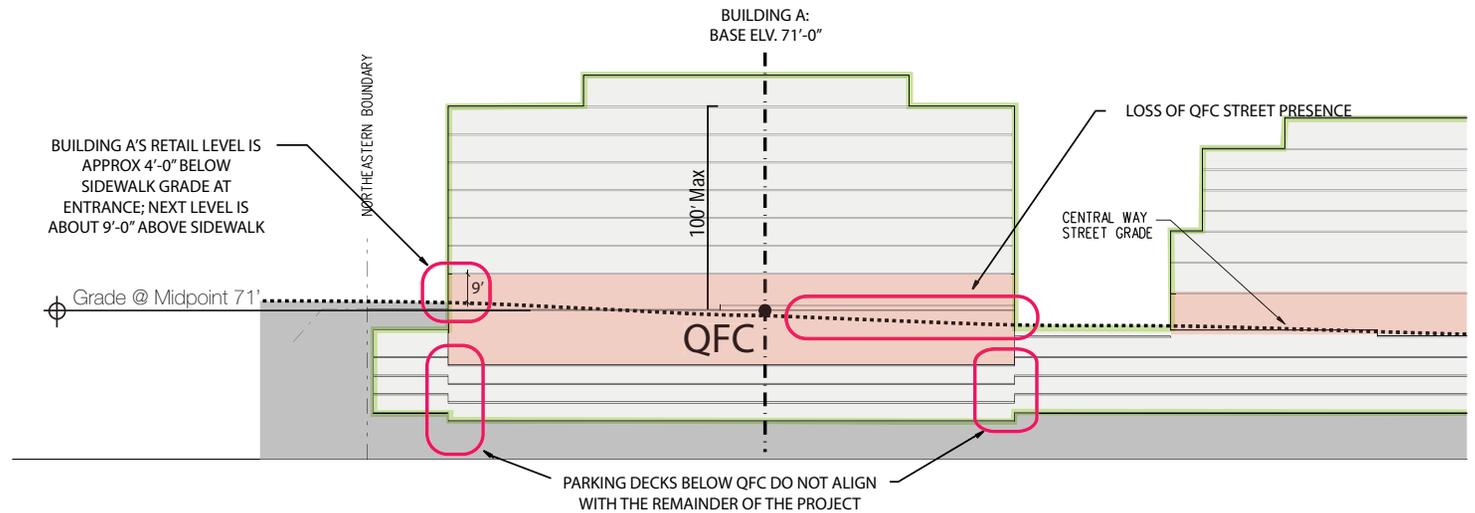


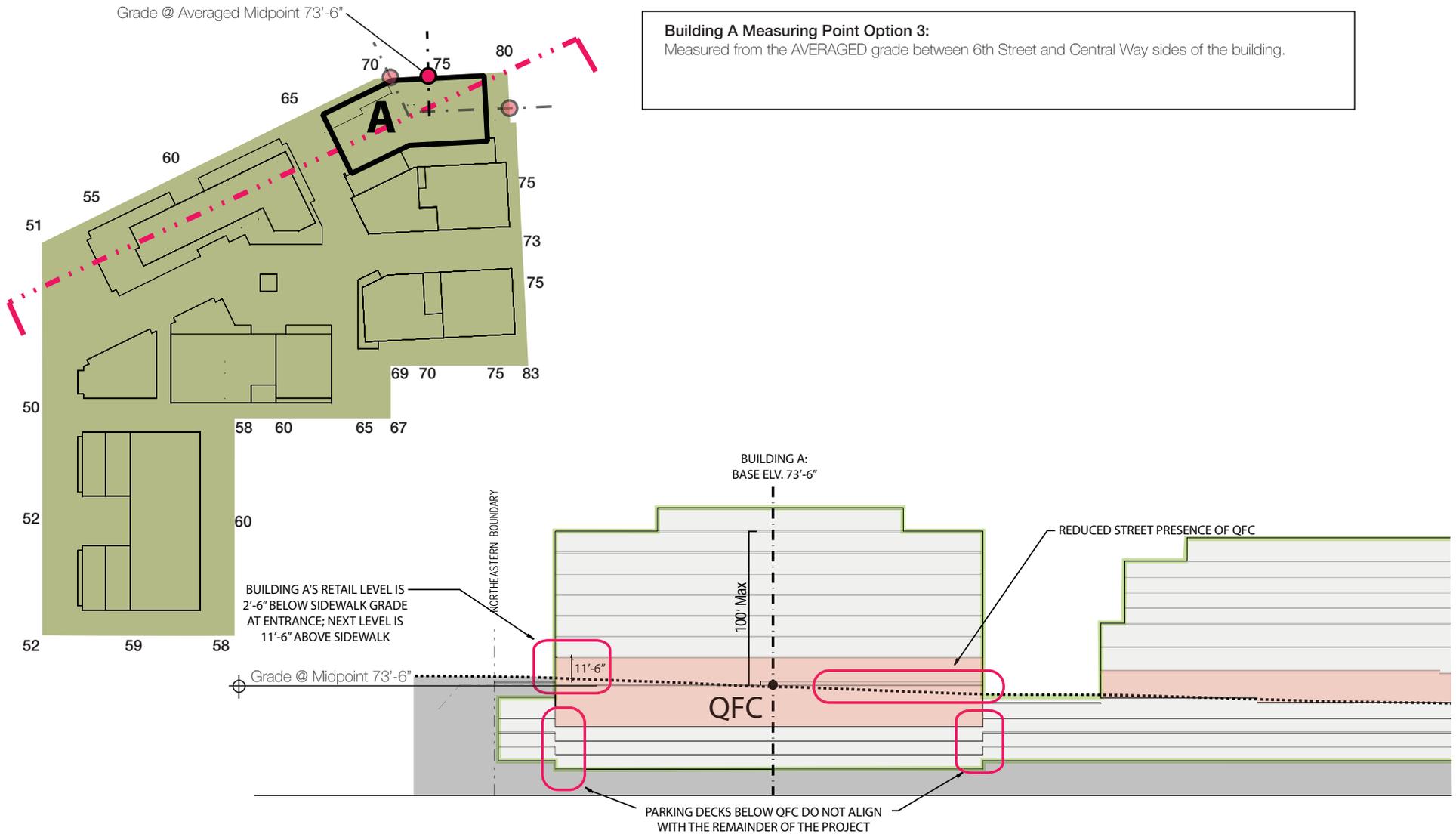


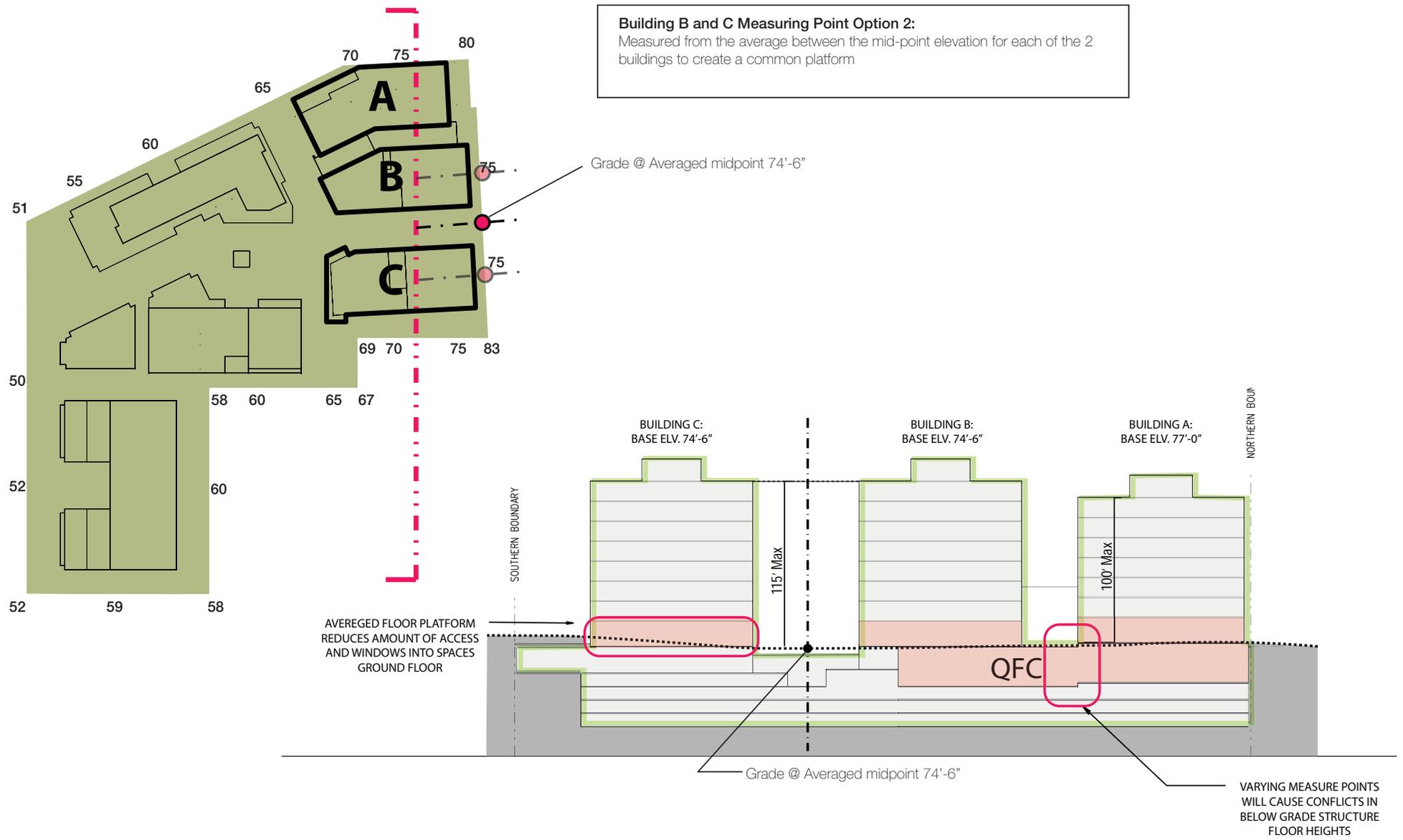


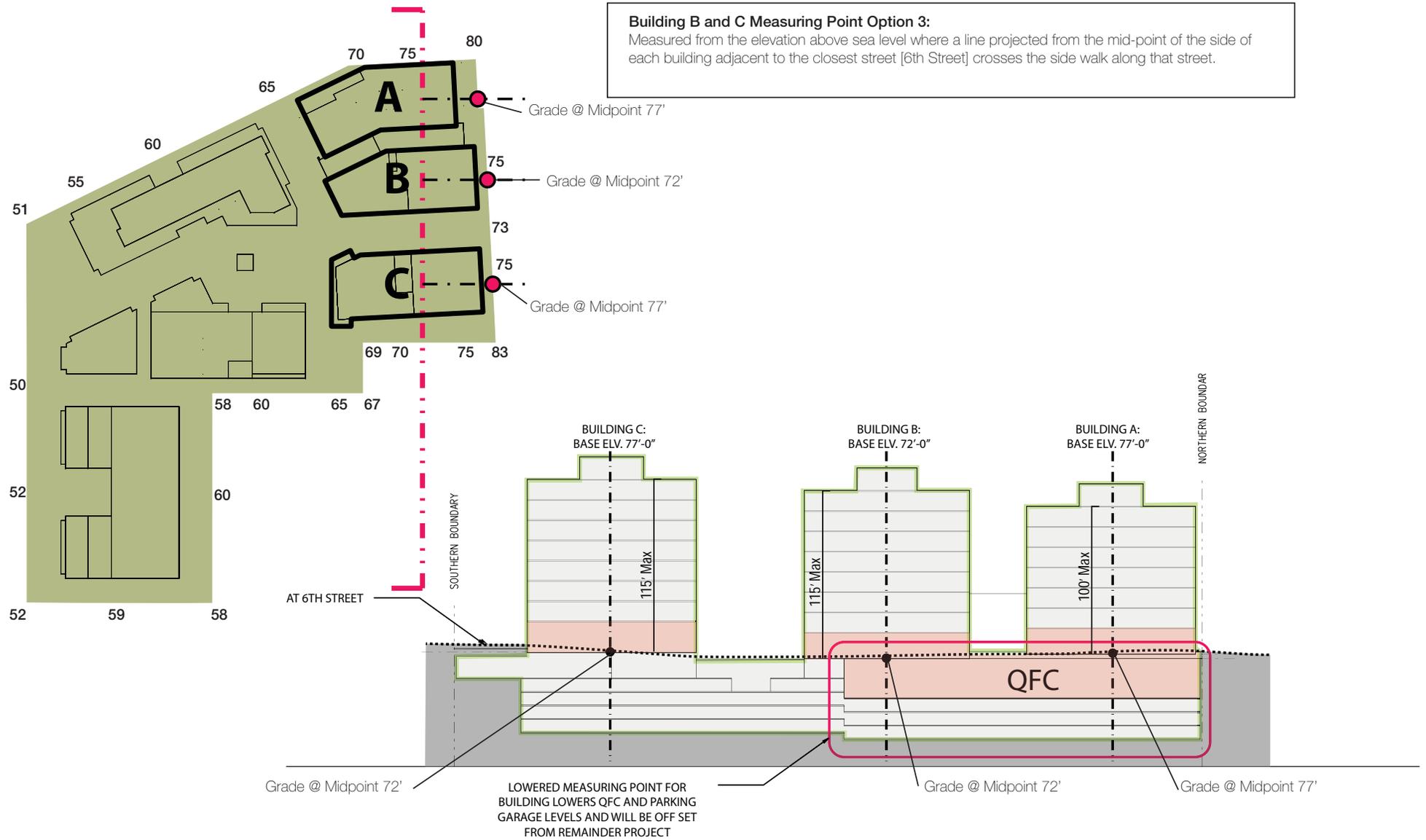


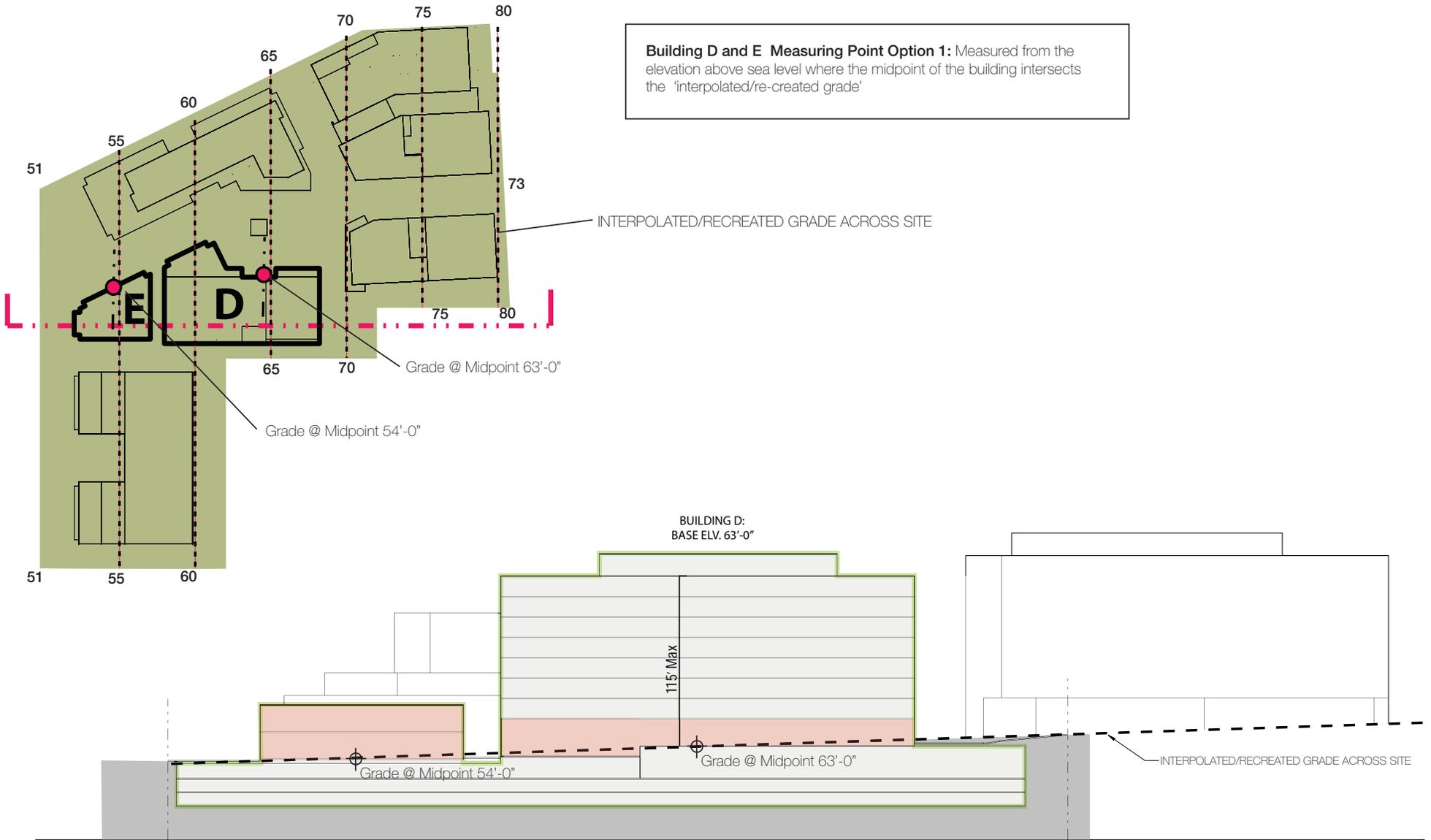
Building A Measuring Point Option 2:
Measured from the elevation above sea level where a line projected from the mid-point of the longest side of the building crosses the side walk along the street adjacent to the longest facade [Central Way]

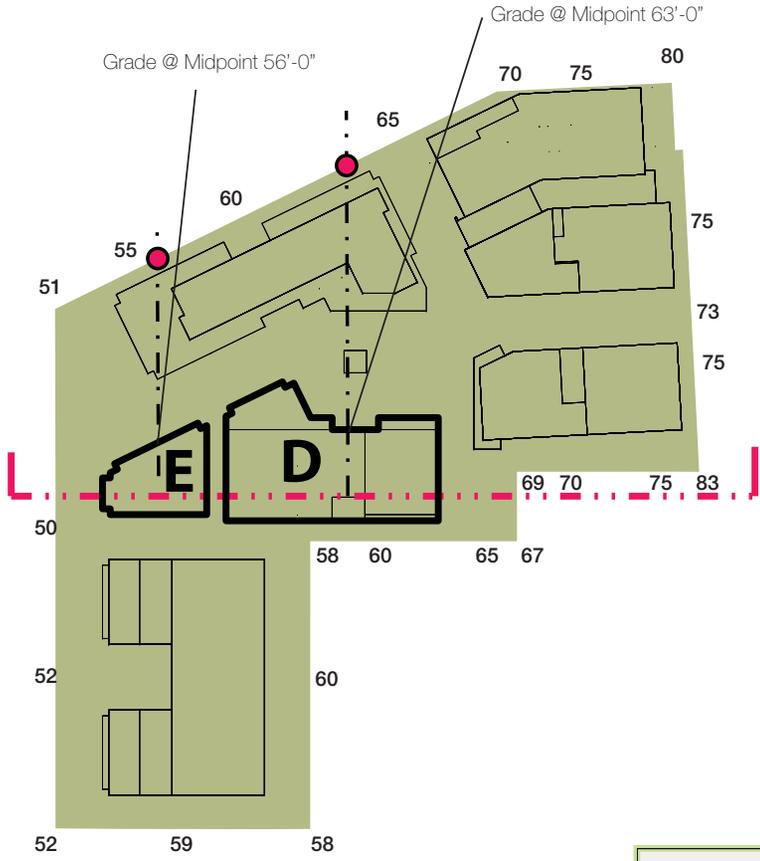




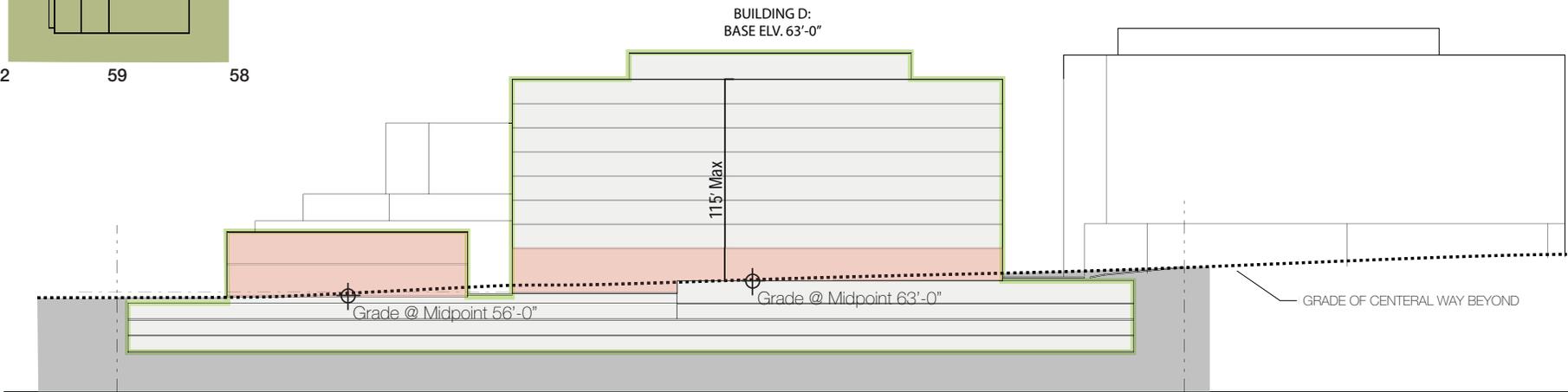




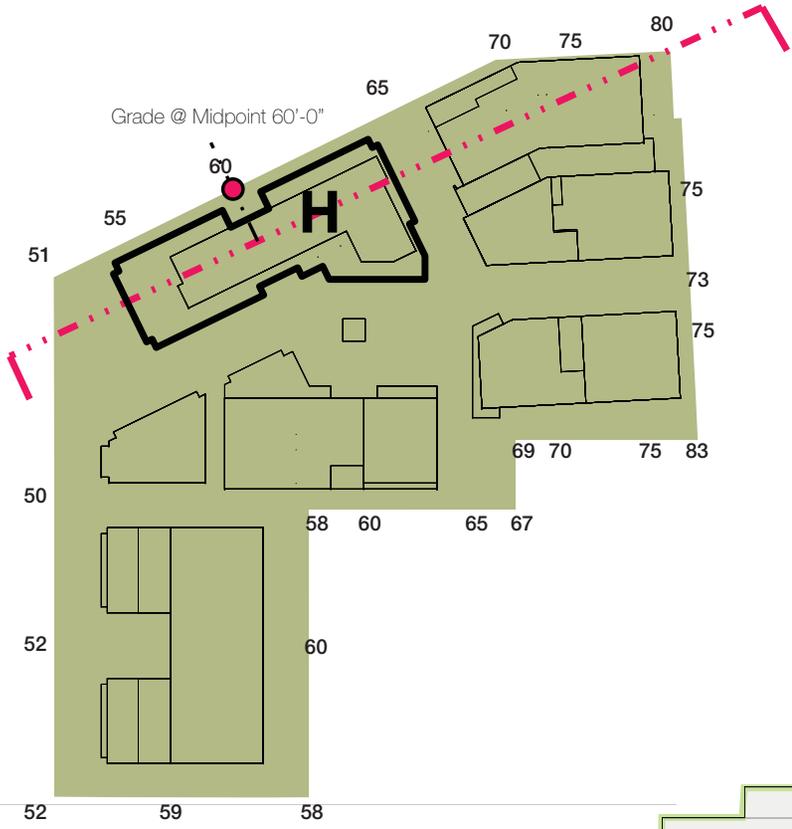




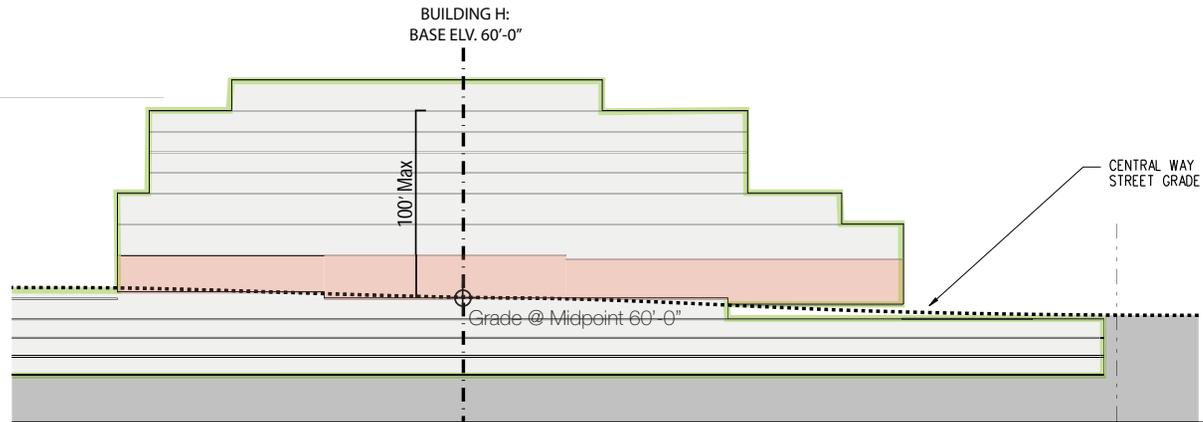
Building D and E Measuring Point Option 2:
Measured from the elevation above sea level where a line projected from the mid-point of the side of the building adjacent to the closest street [Central Way] crosses the side walk along that street







Building H :
Measured from the elevation above sea level where a line projected from the mid-point of the side of the building adjacent to the closest street [Central Way] crosses the side walk along that street



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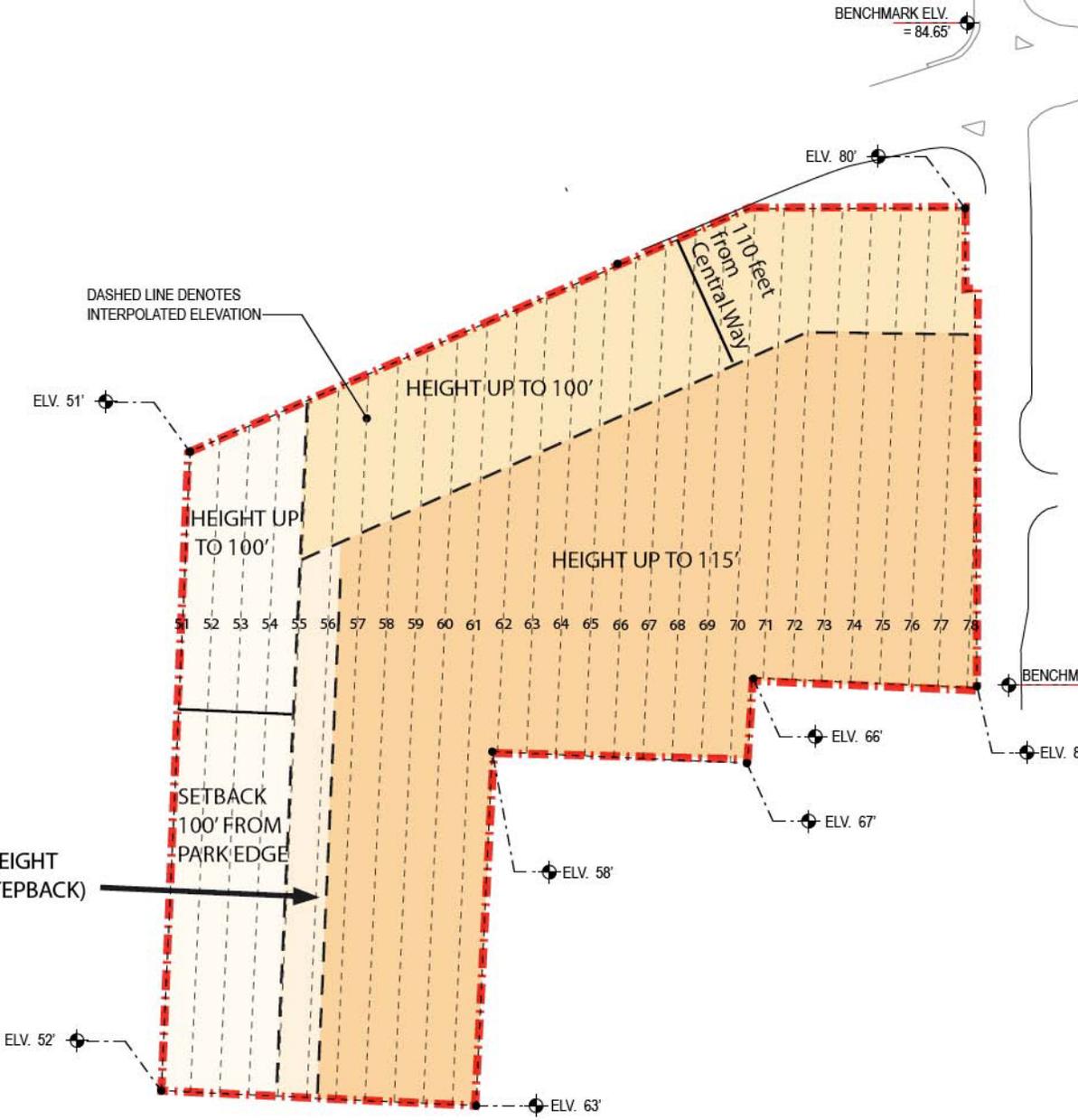
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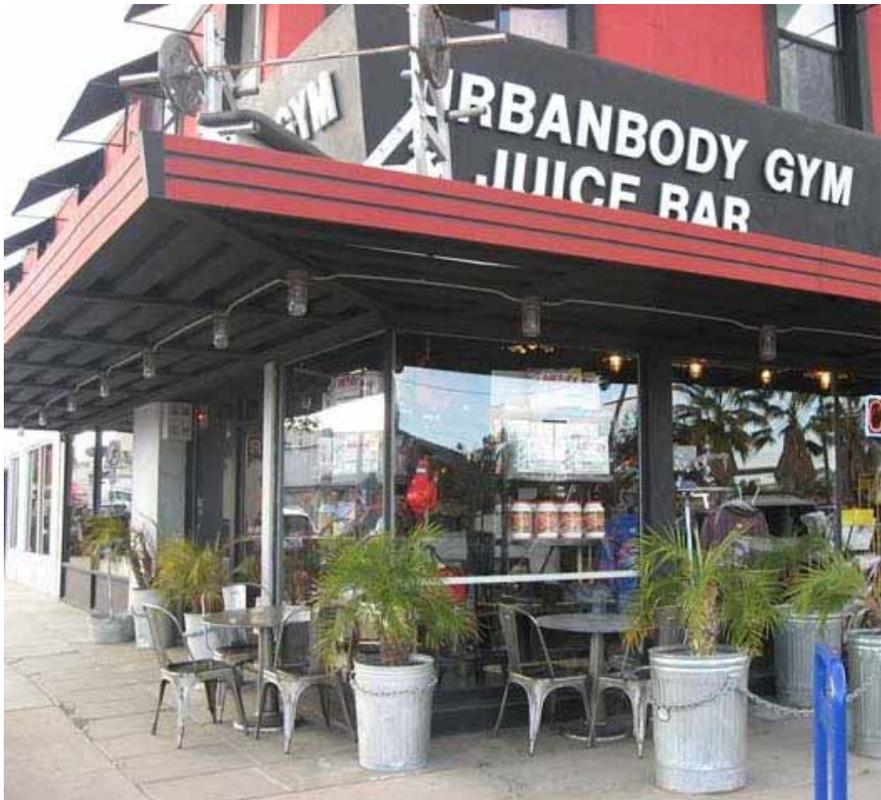
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WHAT IS RETAIL?



Retail frontage and square footage shall allow the following:

uses that encourage and contribute to the liveliness and activation of pedestrian oriented streets and gathering spaces, provided they are designed in ways that engage the pedestrian experience (see design guidelines), including:

- shops
- restaurants/drinking establishments
- movie theatre (less than 30,000 sf)
- child care (with children's activity spaces located in storefronts)
- portions of sports club selling merchandise/food (such as juice bar)
- portions of the hotel selling merchandise/food (such as gift shop or restaurant)

CHILDREN ACTIVATE THE STREET

