

## Chapter 3.30 DESIGN REVIEW BOARD

### Sections:

**3.30.010 Membership—Appointment—Compensation—Removal.**

**3.30.020 Qualifications.**

**3.30.030 Powers and duties.**

**3.30.040 Design guidelines adopted by reference.**

**3.30.050 Conflict of interest.**

### **3.30.010 Membership—Appointment—Compensation—Removal.**

The design review board shall be composed of seven appointed members. In addition, the director of planning and community development shall sit on the design review board (“DRB”) as a nonvoting member for purposes of advising the board on regulatory and urban design issues. Members shall be appointed by a majority vote of the city council, without regard to political affiliation. The members of the DRB shall serve without compensation. Each member shall be appointed to a four-year term; provided, that as to the two positions added in 2003, one new member’s initial term shall expire March 31, 2005, and the other new member’s initial term shall expire March 31, 2007. Any vacancy shall be filled for the remainder of the unexpired term of the vacant position. When a member misses three or more consecutive meetings not excused by a majority vote of the DRB, the DRB will consider recommending removal of that member. The board shall recommend removal if the absences have negatively affected the board’s abilities to perform its duties. The recommendation will be forwarded to city council. Members finding themselves unable to attend regular meetings are expected to tender their resignations. A member may be removed by a majority vote of the city council. (Ord. 3901 § 1, 2003: Ord. 3683A § 1 (part), 1999)

### **3.30.020 Qualifications.**

Members of the design review board shall include design professionals and building/construction experts, and residents of Kirkland capable of reading and understanding architectural plans and knowledgeable in matters of building and design. The board shall at all times have a majority composition of professionals from architecture, landscape architecture, urban design/planning, or similar disciplines. In selecting members, professionals who are residents and/or whose place of business is within Kirkland will be preferred. (Ord. 3683A § 1 (part), 1999)

### **3.30.030 Powers and duties.**

The design review board shall have the responsibilities designated in the zoning code. In addition, the design review board shall perform such advisory functions related to design issues as designated by the city council. (Ord. 3683A § 1 (part), 1999)

### **3.30.040 Design guidelines adopted by reference.**

The design review board in combination with the authority set forth in Chapter 142 of the zoning code shall use the following design guidelines documents to review development permits:

(1) The document entitled “Design Guidelines for Pedestrian Oriented Business Districts” bearing the signature of the mayor and the director of the department of planning and community development dated August 3, 2004, is adopted by reference as though fully set forth herein. The city council shall consult with the planning commission prior to amending this document.

(2) The document entitled “Design Guidelines for the Rose Hill Business District” bearing the signature of the mayor and the director of the department of planning and community development dated January 3, 2006, is adopted by reference as though fully set forth herein. The city council shall consult with the planning commission prior to amending this document.

(3) The document entitled “Design Guidelines for the Totem Lake Neighborhood” bearing the signature of the mayor and the director of the department of planning and community development dated June 6, 2006, is adopted by reference as though fully set forth herein. The city council shall consult with the planning commission prior to amending this document.

(4) The document entitled “Kirkland Parkplace Mixed Use Development Master Plan and Design Guidelines” bearing the signature of the mayor and the director of the department of planning and community development dated \_\_\_\_\_, is adopted by reference as though fully set forth herein. The city council shall consult with the planning commission prior to amending this document.

~~(4)~~(5) Text Amended. The following specific portions of the text of the design guidelines are amended as set forth in Attachment A attached to Ordinance 4106 and incorporated by reference. (Ord. 4106 § 1, 2007; Ord. 4052 § 1, 2006: Ord. 4038 § 1, 2006: Ord. 4031 § 1, 2006)

### **3.30.050 Conflict of interest.**

If a member of the design review board is an applicant or a paid or unpaid advocate, agent, or representative for an applicant on a design review application, the member shall not participate in a decision on that design review application. (Ord. 3683A § 1 (part), 1999)



## CITY OF KIRKLAND

Planning and Community Development Department  
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### DESIGN REVIEW BOARD RECOMMENDATION

**TO:** Planning Commission

**FROM:** Design Review Board

**DATE** March 25, 2008

**PROJECT NAME:** Touchstone (Park Place) Private Amendment Request - ZON07-00016

Touchstone Corporation (Park Place) has submitted a private amendment request (PAR) for the redevelopment of the existing Kirkland Park Place Center. The City Council made the decision to consider this PAR last July. At that time, the Council also passed a resolution which directed the Design Review Board (DRB) to play a role in advising the Planning Commission on the Park Place PAR.

The role of the DRB during this annual amendment process has been to help staff and the Planning Commission develop appropriate Comprehensive Plan policies, development regulations and design guidelines for the portion of CBD 5 where Park Place is located. The primary issues that the Board focused on were site layout and building massing. The Board has also reviewed the conceptual development plans that the applicant submitted and used them as a starting point for recommendations to the Planning Commission. The DRB completed the review process and compiled the following list of recommendations for the Park Place PAR at the March 11, 2008 DRB meeting. Drawings are also included with this recommendation to further explain the concepts listed below.

#### KEY ISSUES

- The existing development is in a hole below the grade of Central Way. New development should be brought up to street level to better orient to the sidewalk and to the community.
- The way the development addresses the park is a key design issue.
- The northeast corner of the site is a very important gateway to the downtown and should have special treatment.
- The buildings should not all be the same in terms of floorplate, shape, height, and façade treatments.
- Height and open space are reciprocal variables (additional height requested should be strongly related to open space created). The open space should mitigate and justify the additional height.
- Upper level step backs should be used to mitigate height.
- There should be a view corridor into/through the site.
- The development should be pedestrian friendly/welcoming from the outside.

- The impact of the south side of the project adjacent to the existing residential and office buildings needs to be carefully considered.

## **SITE ORGANIZATION**

### 1. Access points

- The access points proposed by the applicant in their plan are generally appropriate.
- Elimination of the west access point on Central Way should be considered in order to enhance connections to the park.

### 2. Pedestrian circulation

- Pedestrian-oriented uses at the ground floor along Central Way are important.
- There needs to be a pedestrian environment next to the park.

### 3. Vehicle circulation

- The DRB expressed mixed feelings about the street adjacent to the park. It provides a good connection through the site and public orientation to the park, but there is concern that it may not be safe for pedestrians and may separate the site from the park.
- If there is a street, the DRB agreed that there should not be parking on the park side of that street and that the design should strongly favor pedestrians over cars.

### 4. Open space

- The interior of the project should be organized around a large open space through the site that connects to the park, transit center and the rest of downtown. The width of the open space where it connects the park to the central open space should be greater than is shown in the plan presented by the applicant.
- The project should establish continuity and hierarchy of open space as it progresses from 6<sup>th</sup> Street and Central Way to the park.

## **BUILDING MASS AND PLACEMENT**

### 1. Height – if buildings up to 8 stories are allowed:

- There should be three height zones on the site – see attached diagram.
- There should be enough difference in height in these zones to be clearly noticeable. This will require a difference of 15' to 20' between zones.
- 8 story buildings up to approximately 115' could be accommodated in the SE portion of the site (the maximum height zone).
- The podium height (height at the 3 story mark) along Central Way should be a maximum of 45' (the minimum height zone).
- There could be a 60' setback from the park (if a road is placed on the west side of the site) with a maximum building height of 45' in the minimum height zone to the east of the

park. Building height could then increase relative to the distance from the park (for example: by an additional 1' for each additional 1 foot setback up to the maximum height limit for each zone going east).

- The intermediate (medium height zone) would be between 65 and 95 feet.

Building height should be measured relative to:

- The adjacent streets for buildings fronting on Central Way and 6<sup>th</sup> Street.
- The existing grade for remaining buildings.

The DRB also suggested that height be measured by feet rather than by number of stories.

## 2. Building setbacks

There should be three setback zones (see diagram)

- *Small:* Central Way and 6<sup>th</sup> Street - Consider no setback (sidewalk adjacent to the building) if there is a relationship between the building and the pedestrian (for example: a retail use). There should be some setback, if the building does not relate to the pedestrian at the street level.
- *Medium:* Park side – a 60' setback from the park if the road is located there. A lesser setback would be appropriate if the road is not located on the west side of the site.
- *Large:* the widest setbacks should occur adjacent to the south side of the site along the interior property lines.

## 3. Step backs

- Along Central Way, stories above the third story should be stepped back 10-20 feet.
- At major entry points to the project, building corners should be setback and or stepped back in both directions.
- Upper story step backs around the central open space should be organized around the sun angles.

## 4. Treatment of gateway at the corner of 6<sup>th</sup> Street and Central Way

- There should not be a tall building at this gateway.
- Building mass should be sculpted back from the corner. Upper level step backs can be used to help achieve this.
- The buildings at the corner should be parallel to Central Way.
- Buildings should be separated and differentiated from each other at this corner so that they don't read as one large building.
- A portal or entry way into the site and beyond that is near the corner of 6<sup>th</sup> Street and Central Way should be explored. (There was no consensus on the exact location of the portal. It may not need to be located at the corner.)

- The buildings could be staggered and reoriented so that you can see into the site and potentially to the park beyond.
- The corner treatment should establish a gateway to downtown, not just a gateway to the buildings located there.

5. Sustainability

- The project should have smaller environmental footprint by incorporating sustainability measures for green building.

Attachments

5 drawings showing recommendations

Drawings may be viewed at [http://www.ci.kirkland.wa.us/depart/Planning/DRB\\_Meeting\\_Information.htm](http://www.ci.kirkland.wa.us/depart/Planning/DRB_Meeting_Information.htm)





### 50.34 User Guide.

The charts in KZC [50.37](#) contain the basic zoning regulations that apply in the CBD 5 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.

	<p><b>Section 50.35 – GENERAL REGULATIONS</b></p> <p>The following regulations apply to all uses in this zone unless otherwise noted:</p>
	1. Refer to Chapter <a href="#">1</a> KZC to determine what other provisions of this code may apply to the subject property.
	2. No portion of a structure above the elevation of Kirkland Way as measured at the midpoint of the frontage of the subject property on Kirkland Way may exceed the following: <ul style="list-style-type: none"> <li>a. Within 20 feet of Kirkland Way, 2 stories;</li> <li>b. Within 40 feet of Kirkland Way, 4 stories;</li> <li>c. Within 50 feet of Kirkland Way, 5 stories.</li> </ul>
	3. Buildings exceeding two stories above average building elevation shall demonstrate compliance with the design regulations of Chapter <a href="#">92</a> KZC and the provisions of the Downtown Plan Chapter of the Comprehensive Plan. The City will use Design Review (D.R.) to determine compliance.
	4. The minimum required yard abutting Peter Kirk Park is 10 feet. The required front yard is 0 feet for those portions of buildings with continuous retail or restaurant uses at street level. Kirkland Way shall be considered a <i>pedestrian-oriented street</i> if the front yard is less than 20 feet.
	5. No portion of a structure within 100 feet of Peter Kirk Park shall exceed three stories above average building elevation.
	6. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure (does not apply to Public Park uses).
7. The entire zone must be physically integrated both in site and building design. Also, site design must include installation of pedestrian linkages consistent with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan, between public sidewalks and building entrances, and between walkways on the subject property and existing or planned walkways on abutting properties (does not apply to Public Utility, Government Facility or Community Facility and Public Park uses).	

[link to Section 50.37 table](#)

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.37	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Restaurant or Tavern	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	3 to 5 stories above average building elevation.	D See Spec. Reg. 1.	E	One per each 125 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>Landscape Category B is required if the subject property is adjacent to 6th Street or Kirkland Avenue.</li> <li>For restaurants with drive-in or drive-through facilities:                             <ol style="list-style-type: none"> <li>One outdoor waste receptacle shall be provided for every eight parking stalls.</li> <li>Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.</li> <li>Landscape Category A shall apply if the subject property is adjacent to 6th Street or Kirkland Avenue.</li> </ol> </li> </ol>
.030	Entertainment, Cultural and/or Cultural Recreational Facility	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	3 to 5 stories above average building elevation.	D See Spec. Reg. 2.	E	See KZC 50.60 and 105.25.	<ol style="list-style-type: none"> <li>The parking requirements for hotel or motel use do not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis.</li> <li>Landscape Category B is required if the subject property is adjacent to 6th Street or Kirkland Avenue.</li> </ol>
.040	Hotel or Motel										One per each room. See Special Reg. 1.	
.050	Any Retail Establishment, other than those specifically listed, limited, or prohibited in the zone, selling goods, or providing services including banking and related financial services								D See Spec. Reg. 4.	E	One per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>The following uses are not permitted in this zone:                             <ol style="list-style-type: none"> <li>Vehicle service stations.</li> <li>The sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers; provided, that motorcycle sales, service, or rental is permitted if conducted indoors.</li> </ol> </li> <li>Access for drive-through facilities must be approved by the Public Works Department.</li> <li>Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:                             <ol style="list-style-type: none"> <li>The assembled or manufactured goods are directly related to and dependent upon this use and are available for purchase and removal from the premises.</li> <li>The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.</li> </ol> </li> <li>Landscape Category B is required if subject property is adjacent to 6th Street or Kirkland Avenue.</li> </ol>

**DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS**

Section 50.37	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)		
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure	
				Front	Side	Rear							
			Section 50.37										
.060	Private Lodge or Club	D.R., Chapter 142 KZC.	None	20'	0	0	80%	3 to 5 stories above average building elevation.	D See Spec. Reg. 1.	B	See KZC 105.25.	1. Landscape Category C is required if subject property is adjacent to 6th Street or Kirkland Avenue.	
.070	Office Use										D See Spec. Reg. 3.	One per each 350 sq. ft. of gross floor area.	1. Ancillary assembly and manufacture of goods on premises may be permitted as part of an office use if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this office use; and b. The outward appearance and impacts of this office use with ancillary assembly and manufacturing activities must be no different from other office uses. 2. The following regulations apply to veterinary office only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the D.R. and building permit applications. d. A veterinary office is not permitted if the subject property contains dwelling units. 3. Landscape Category C is required if subject property is adjacent to 6th Street or Kirkland Avenue.
.080	Church										D See Spec. Reg. 2.	One per every four people based on maximum occupancy of any area of worship.	1. No parking is required for daycare or school ancillary to the use. 2. Landscape Category C is required if subject property is adjacent to 6th Street or Kirkland Avenue.

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Section 50.37	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.090	School, Day-care Center, or Mini-School or Day-care Center	D.R., Chapter 142 KZC.	None	20'	0	0	80%	3 to 5 stories above average building elevation.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. A six-foot-high fence is required along all property lines adjacent to outside play areas.</li> <li>2. Structured play areas must be setback from all property lines by at least five feet.</li> <li>3. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.</li> <li>4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements.</li> <li>5. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> </ol>
.100	Assisted Living Facility See Spec. Reg. 4.								D See Spec. Reg. 3.	A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> <li>1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.</li> <li>2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility:                             <ol style="list-style-type: none"> <li>a. One parking stall shall be provided for each bed.</li> </ol> </li> <li>3. Landscape Category C is required if subject property is adjacent to 6th Street or Kirkland Avenue.</li> <li>4. This use only allowed:                             <ol style="list-style-type: none"> <li>a. On properties with frontage on Second Avenue.</li> <li>b. Within 170 feet of Peter Kirk Park provided that the gross floor area of this use does not exceed 12.5% of the total gross floor area for the subject property.</li> </ol> </li> </ol>
.110	Stacked or Attached Dwelling Units								D See Special Reg. 1.		1.7 per unit.	<ol style="list-style-type: none"> <li>1. Landscape Category C is required if the subject property to adjacent to 6th Street or Kirkland Avenue.</li> <li>2. This use only allowed:                             <ol style="list-style-type: none"> <li>a. On properties with frontage on Second Avenue.</li> <li>b. Within 170 feet of Peter Kirk Park provided that the gross floor area of this use does not exceed 12.5% of the total gross floor area for the subject property.</li> </ol> </li> </ol>

Section 50.37

Zone  
CBD-5

USE ZONE CHART

**DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS**

Section 50.37	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.120	Public Utility, Government Facility, or Community Facility	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	3 to 5 stories above average building elevation.	D See Special Reg. 1.	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>Landscape Category C is required if the subject property is adjacent to 6th Street or Kirkland Avenue. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on nearby uses.</li> <li>Site design must include installation of pedestrian linkages consistent with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan, between public sidewalks and building entrances, and between walkways on the subject property and existing or planned walkways on abutting properties.</li> </ol>
.130	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										



## DRAFT ORDINANCE \_\_\_\_\_

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

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

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

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

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

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

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

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

A. The City is subject to the requirements of the Growth Management Act, RCW 36.70A, and is located within an Urban Growth Area;

B. The City has adopted a Comprehensive Plan complying with the GMA;

C. The City is adopting development regulations applicable to the proposed development concurrent with adoption of this Planned Action Ordinance to address many of the impacts of future development;

D. The City has prepared an EIS complying with SEPA for the area designated as a Planned Action (“Planned Action EIS”) and finds that it adequately addresses the probable significant environmental impacts associated with the type and amount of development planned to occur in the designated Planned Action area;

E. The mitigation measures identified in the Planned Action EIS are attached to this Ordinance as Exhibit B. These mitigation measures, together with City development regulations, will adequately mitigate significant impacts from development within the Planned Action area;

F. The Planned Action EIS and this Ordinance identify the location, type and amount of development that is contemplated by the Planned Action;

G. Future projects that are consistent with the Planned Action will protect the environment, benefit the public and enhance economic development;

H. The City has provided numerous opportunities for meaningful public involvement in the proposed Planned Action; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments;

I. The proposal is not an essential public facility as defined by RCW 36.70A.200(1);

J. The Planned Action area applies to a defined area that is smaller than the overall City boundaries; and

K. Public services and facilities are adequate to serve the proposed Planned Action.

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

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

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

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

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

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

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

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

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

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

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

(2) *Land Use Review Threshold.*

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

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

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

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

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

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

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

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

(6) *Transportation.*

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

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

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

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

(d) *Transportation improvements.*

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

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

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

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

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

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

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

E. Planned Action Review Criteria.

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

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

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

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

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

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

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

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

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

F. Effect of Planned Action.

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

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

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

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

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

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

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

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

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

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

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

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

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

I. Monitoring and Review.

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

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

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

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

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

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

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

Signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

# Planned Action Ordinance Mitigation Measures

Table 3.4-18. Potential Capacity Improvements to Address Impacts

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

ID	Location	Improvement	No Action <sup>1</sup>			Proposed Action <sup>1</sup>			FEIS Review <sup>1</sup>		
			2014 TIA	2014 Conc	2022 Conc	2014 TIA	2014 Conc	2022 Conc	2014 TIA	2014 Conc	2022 Conc
		and southbound approaches									
169	6th Street/7th Avenue	Add northbound approach left turn lane						X			
202	100th Avenue NE/NE 124th Street	Modify the signal phase to be the same as during AM peak period, with northbound and southbound to be split phase, and southbound configuration to be left, left/through shared, and through/right shared. <sup>2</sup>							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 <sup>th</sup> 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	Totem 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			

<sup>1</sup>TIA = Traffic Impact Analysis; Conc = Concurrency

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

## Police

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

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

## Water

### No Action

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

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

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

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

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

### Proposed Action and FEIS Review Alternative

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

## Transportation Management Plan and Parking Management Plan

### Purpose

The applicant shall be required to implement a Transportation Management Plan (TMP). The purpose of the TMP is to reduce drive alone<sup>1</sup> (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

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

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

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

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

### **Parking Management Measures**

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

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

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

## Monitoring

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

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

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

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

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

## Remedy

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

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

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

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