ORDINANCE _____

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND PLANNING; ESTABLISHING A PLANNED ACTION FOR THE PARKPLACE SITE ~~TWO AREAS~~ IN THE MOSS BAY NEIGHBORHOOD GENERALLY LOCATED EAST OF PETER KIRK PARK, SOUTH OF CENTRAL WAY/NE 85TH STREET, WEST OF ~~10TH~~ 6TH 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, Supplemental EIS and EIS Addendum identify ~~ies~~ 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:

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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, a Supplemental EIS and an EIS Addendum complying with SEPA for the area designated as a Planned Action ~~("Planned Action EIS")~~ and finds that these documents ~~it~~ adequately address~~es~~ 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 Addendum 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,~~ EIS Addendum 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~~ area~~s~~ in the Moss Bay Neighborhood ~~as are~~ specifically shown in Exhibit A,

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"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 site~~s~~, where the off-site improvements have been analyzed in the Planned Action EIS.

B. Environmental Documents.

(i) Depending on the specific context, this ordinance may refer to the 2008 Draft and Final Planned Action EISs, the 2010 Planned Action Supplemental EIS, or the 2015 EIS Addendum for the Downtown (Parkplace) Planned Action. Together, these documents comprise the Planned Action EIS for purposes of environmental review.

(ii) 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, and the EIS Addendum published on January xx, 2015, which addressed proposed revisions to Parkplace

~~(i)~~(iii) 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, the SEIS and the EIS Addendum 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 Addendum, 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 environmental documents~~EIS~~. Thresholds and required mitigation measures are based on the 2014 Revised Proposal evaluated in the Parkplace Planned Action EIS Addendum.~~FEIS Review Alternative contained in the Planned Action Final EIS~~:

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(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 Addendum, are Planned Actions pursuant to RCW 43.21C. 031.

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

(i) Office; ~~and~~

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

(iii) Residential.

~~(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~~ the EIS Addendum, as shown below:

Land Use	~~Area A~~ ~~(~~Parkplace~~)~~
Office	650,000 ~~1,200,000~~ sq. ft.
Residential	300 units (300,000 sq.ft.)~~Not Analyzed~~
Retail/Commercial[1]	225,000 ~~592,700~~ sq.ft. ~~3~~2
Total	1,175,000 ~~1,792,700~~ sq.ft.

1. All uses listed in the "Retail and Other Commercial" category in Subsection D(1)(a) are included in the 225,000 ~~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.~~ 2. ~~The~~ Retail/Commercial development (including accessory uses and restaurants) must be equal to at least 25 percent of the amount of

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office space. Therefore, it must include a minimum of 162,500 ~~300,000~~ square feet of retail development ~~or at~~ (including up to 20 percent[1] of the total square footage of the theatre but excluding the health club).~~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 Addendum, 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 and EIS Addendum, 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 Addendum 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 and EIS Addendum.

(4) *Transportation.*

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

~~(a)~~(b)

Trip Generation – Net New Trips Reviewed
in Planned Action EIS Addendum

Time	~~Area A (~~Parkplace~~)~~ ~~Range~~ Net New Trips	~~Area C (Altom) Range – Net New Trips~~
PM Peak Hour	~~3,531~~1,680	~~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

[1] 10 percent is the current allowance in the code; 20 percent is being requested.

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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, SEIS and EIS Addendum. The need for, extent and/or design of some potential improvements, such as turn lanes, however, will depend on decisions regarding the project master plan and access to the site, which will be made subsequently by the Design Review Board and the City Council as part of the project review process.

(ii)~~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.

(iii) Transportation Management Program. The owners or operators of development projects within Parkplace ~~Areas A and C~~ shall prepare and implement a Transportation Management Program~~s~~ (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.~~ A 23 percent reduction of single-occupant vehicle trips is adopted as a goal for the Parkplace project. A detailed TMP shall be submitted prior to building permit issuance.

(iv~~iii~~) Parking Management. Parking to support development ~~within Areas A and C~~ shall be provided as required by Kirkland Zoning Code Chapter 105. Consistent with the incentive provision of

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Section 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 Engineering Manager 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 and sewer 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 Moss Bay Neighborhood Plan and Downtown ~~Plan~~ area;

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

(d) The proposed uses are consistent with those described in the Planned Action EIS Addendum 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, SEIS and EIS Addendum.

(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.

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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 and shall follow the procedural requirements of the underlying development permit, and shall also satisfy any ~~not to SEPA~~ notice requirements in the SEPA rules or statute specific to planned actions. ~~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

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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, SEIS and EIS Addendum 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.

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Section 6. Expiration. This Ordinance shall expire ten (10) years from the date of passage, or of amendment if it is subsequently amended, 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~~ 2015.

Signed in authentication thereof this _____ day of _____, ~~2008~~ 2015.

_____
MAYOR

Attest:

_____
City Clerk

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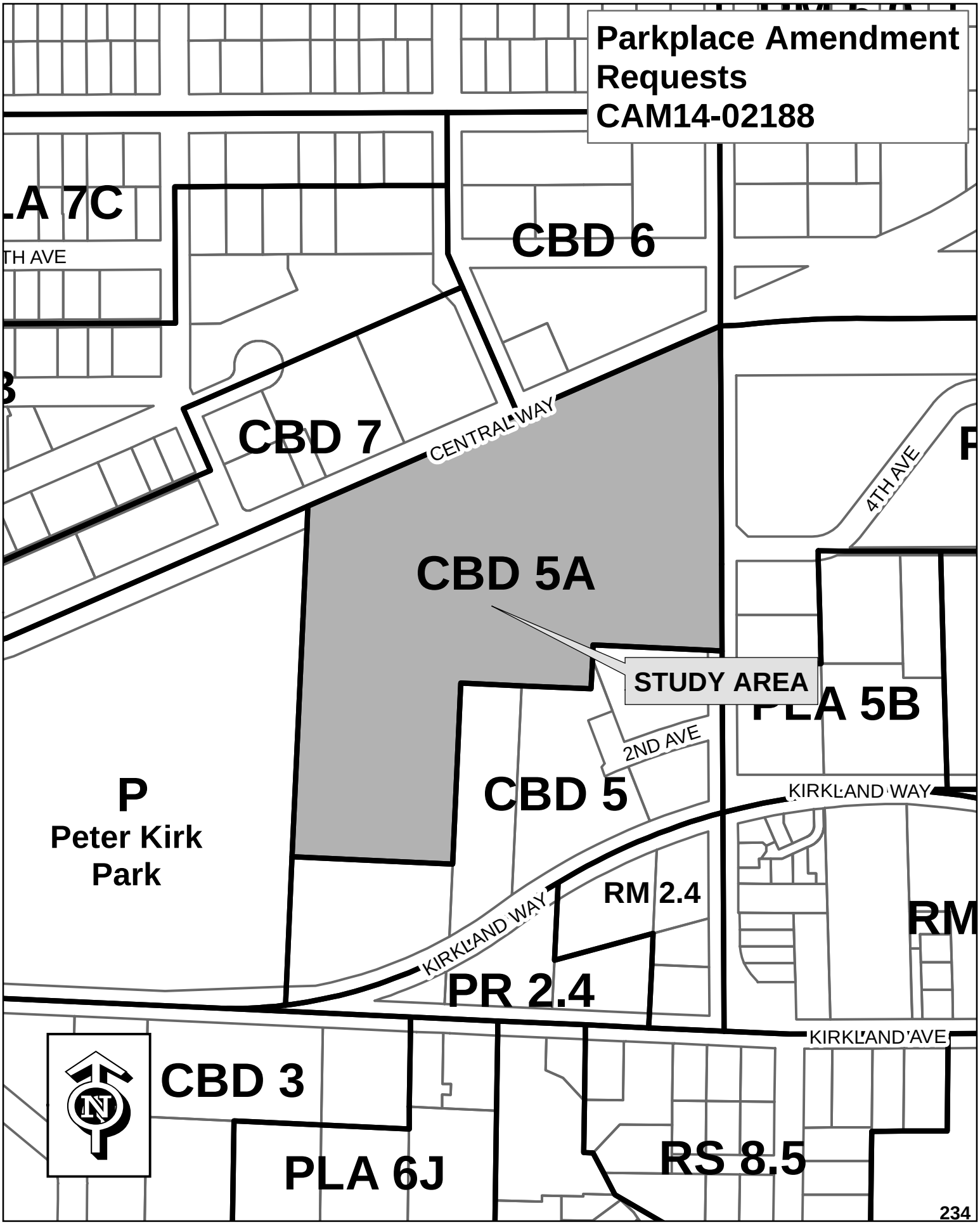
Parkplace Amendment Requests
CAM14-02188
LA 7C
TH AVE
CBD 6
CBD 7
CENTRAL WAY
4TH AVE
CBD 5A
STUDY AREA
PLA 5B
2ND AVE
P
Peter Kirk Park
CBD 5
KIRKLAND WAY
RM 2.4
RM
KIRKLAND WAY
PR 2.4
KIRKLAND AVE
CBD 3
N
PLA 6J
RS 8.5

Attachment 6

EXHIBIT B. PLANNED ACTION ORDINANCE MITIGATION MEASURES

Exhibit B lists required mitigation measures to be applied to Planned Actions within the Planned Action Area defined in Exhibit A.

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Potential Capacity Improvements to Address Transportation Impacts

Planned Action Applicants shall implement required improvements associated with the proposal consistent with the following table.

			No Action[1]			Proposed Action[1]			FEIS Review[1]			2014 Revised Proposal	
ID	**Location**	**Improvement**	2014 TIA	2014 Conc	2022 Conc	2014 TIA	2014 Conc	2022 Conc	2014 TIA	2014 Conc	2022 Conc	2022 TIA	2022 Conc
4	Central Way/Parkplace Driveway	Install Signal	X			X			X			(2)	
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 4th Avenue. Modify signal to provide westbound left/northbound right overlap phase. Add second southbound receiving lane on 6th Street between Central Way and 4th Avenue, which would serve as a southbound right-turn lane into the site.				X		X	X		X	(2)	
109	NE 85th Street/114th Avenue NE	Restripe eastbound right-turn lane to shared thru-right, and add second northbound right-turn lane.	X		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.				X			X			(3)	

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ID	Location	Improvement	No Action[1]			Proposed Action[1]			FEIS Review[1]			2014 Revised Proposal	
			2014 TIA	2014 Conc	2022 Conc	2014 TIA	2014 Conc	2022 Conc	2014 TIA	2014 Conc	2022 Conc	2022 TIA	2022 Conc
128	Central Way/5th Street	Install a traffic signal and coordinate the timing with the signals at Central Way/6th Street and Central Way/3rd Street. North-south through movement between the site driveway and 5th Street should be prohibited, to discourage cut-through traffic in the neighborhood north of the site.				X			X			X	
129	Central Way/4th Street	Extend two-way-left-turn by moving crosswalk to Parkplace Signal	X			X			X			(2)	
169	6th Street/7th Avenue	Add left turn lanes on northbound and southbound approaches				X							
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.[4]						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	Install signal at this location or at 7th							X				

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ID	Location	Improvement	No Action[1]			Proposed Action[1]			FEIS Review[1]			2014 Revised Proposal	
			2014 TIA	2014 Conc	2022 Conc	2014 TIA	2014 Conc	2022 Conc	2014 TIA	2014 Conc	2022 Conc	2022 TIA	2022 Conc
	Avenue	Avenue.											
304	NE 132nd Street/124th Street	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[5]	Add northbound right-turn-only pocket				X							
402	NE 85th Street/124th Avenue NE[5]	Provide corridor improvements such as traffic signal interconnect							X				

[1]TIA = Traffic Impact Analysis; Conc = Concurrency

[2]With reduced trips generated by the 2014 Revised Proposal compared to the previous Proposed Action, and with mitigation at Central Way/5th Street, the Revised Proposal is not projected to exceed TIA mitigation thresholds at intersections #4 (Central Way/Parkplace Driveway), #105 (Central Way/6th Street), or #129 (Central Way/4th Street). However, the City reserves the right to require future mitigation at these locations if warranted by future site access and circulation conditions, and shall require that redevelopment on the site be designed to accommodate the potential improvements that have been identified at these locations. Detailed site-level traffic and signal warrant analysis, taking into account design-level factors such the layout of the parking garage, design of driveways and signage at entrances, and measures implemented to manage parking patterns on the site, shall be required as part of the project design and permitting process to determine if improvements would be needed to mitigate potential access and circulation impacts at these locations.

[3]Project is being funded by a different developer and is scheduled for construction in 2015 (CIP #TR20-3).

[4] No concurrency impact was identified at this intersection. This mitigation measure was 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.

[5]Improvements to the NE 85th Street Corridor between I-405 and 132nd Avenue NE are currently under construction.

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 Attachment 6

Transportation and Parking Management Plan

Planned actions shall provide a Transportation and Parking Management Plan to reduce parking demand and manage the available supply; this could include but is not excluded to some or all of the following elements.

1. Implement a Transportation Management Plan (TMP) for office tenants. The cumulative parking demand estimates for the office use assume that 23% of trips would occur by non-vehicular modes. To encourage use of these other modes, the following TMP measures are suggested.

a. Provide a transportation coordinator to manage and promote the TMP.

b. Provide transit pass subsidy. The developer should require its tenants to offer a subsidized transit pass to employees who commute by transit. The value of the subsidy would equal or exceed 50% of the cost of a two-zone King County Metro Transit pass or equivalent ORCA pass.

c. Charge for daily parking. Employees of the offices should be charged a fee to park on site.

d. Offer a part-time parking pass option. Employees who desire to use alternative modes of transportation (or telecommute) one or more days per week should be offered a parking pass that is only charged for the days parked. These types of passes work like a debit card, and the pass holder is only charged for parking on the days that they park.

e. Provide ride-match information. The developer should encourage its tenants to provide information to employees about ride-match programs that are available through King County Metro and other transit agencies. These programs can help match an employee with potential carpool mates who live in close proximity.

f. Provide free parking for vanpools. Vanpools registered with a public transit agency should 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.

g. Provide reserved parking spaces for vanpools. Parking in a preferred location within the garage should be reserved for registered vanpools.

h. Provide shower and locker facilities. The complex should have at least one shower and locker facility (outside of the on-site health club) for commuters who walk or bike to work.

i. Provide bike storage. Bicycle corrals should be provided within the garage for employees who commute by bike. These should be in an easily-accessible location, and have good lighting and security.

j. Provide parking for a car-sharing program (e.g., Zipcar). The developer should provide up to five parking spaces for car-sharing program to support employees who commute by alternative modes of travel by providing vehicles that can be used for daytime errands or meetings.

k. Offer guaranteed ride home to employees who commute by alternative modes. The developer should encourage employers to provide guaranteed rides home for commuters who use alternative forms of transportation but need to get home quickly in an emergency or after available transit service has stopped. The ride home can be by taxi, company-owned vehicle, or car-sharing vehicle. The number of rides available per month or year may be limited. This program reassures employees that they will have transportation during emergencies so they are more comfortable using transit or carpools.

l. Install electronic kiosks with travel information. The developer should install up to three electronic kiosks that provide up-to-date information about transportation services. This could

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include transit route maps and stop times, commuter congestion, parking rates, and information about alternative modes of travel.

m. Monitor success of TMP. The on-site transportation coordinator should conduct biennial surveys of site tenants and employees regarding the modes of travel used and the success of various TMP programs. The first survey should be performed within one year of the first tenant's occupancy. Results are to be compiled and sent to the City of Kirkland. The survey questionnaire and reporting requirements must be approved by City of Kirkland staff before the first survey is taken.

2. Reserve areas of the garage for short-term parking by customers and visitors. Designate 640 parking spaces for short-term parking only. This parking would be for customers and visitors. The initial limit should be set to three hours, which is sufficient time for most daytime dining and entertainment users. The short-term parking restrictions could apply during just midday weekday hours when office users are on site.

3. Reserve parking for residents. Reserve up to 1.7 spaces per residential unit (estimated to be 510 spaces). Of these, a portion should be designated for residential visitors. The remaining spaces could be assigned to individual units, if desired.

4. Share office parking on weeknights and weekends. All parking in the garage should be available for customers on weeknights and weekends.

5. Do not reserve individual spaces for office parking. No parking space in the garage should be reserved for an individual user. This allows all office parking to be shared by employees.

6. Implement measures to discourage hide-and-ride, if needed. Measures may be needed to prevent outsiders from parking at the site (for example, commuters who use the near-by transit center). Such programs could include enforcement of short-term parking restrictions, permit parking for site employees, pay parking, and customer validation programs. These can be implemented by site management, when and if needed.

7. 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.

Police

- Provision of on-site security services, which may include video surveillance systems, to the Planned Action Area in particular, shall be incorporated into the development to 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, shall be considered during design and/or development review to reduce certain types of crimes, such as auto and store-front breakins.

Fire

- The City may condition Planned Action proposals during development review to include a staffed medical aid station serving employees and customers, based on Proposal size, phasing, likely calls of service, or other parameters related to the potential demand for emergency medical services.
- Increased tax revenues from increased retail activity and increases in property values could address some of the additional costs to the Fire Department identified in the Addendum for the Revised Kirkland Parkplace Redevelopment Proposal (2014 Revised Proposal) January 2015.

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Parks and Schools

- New development is subject to collection of park impact fees under Chapter 27.06 of the Kirkland Municipal Code.
- Chapter 27.08 of the Kirkland Municipal Code requires school impact fees on new development, collected by the City on behalf of Lake Washington School District.

Water

The applicant shall provide improvements consistent with the City's Water System Plan and Municipal Code as determined by the Public Works Director or designee.

Planned Actions should provide improvements consistent with the 2008 Final EIS, or should provide Proposed Action Alternative Modified Water Main Improvements consistent with the Addendum for the Revised Kirkland Parkplace Redevelopment Proposal (2014 Revised Proposal) January 2015, dependent on design.

- 2008 Final EIS Improvements: The improvements included an on-site 12-inch loop with connections at Central Way, 6th Street, and Kirkland Way. The improvements had the capacity to convey the 4,000 gpm fire flow requirement and the 2008 Proposal demands.
- 2014 Revised Proposal:
    - The improvements for the 2008 Proposal were tested with the 2014 Revised Proposal and the proposed improvements also have the capacity to convey the 4,000 gpm fire flow requirement and the 2014 Proposed Action Alternative demands, which are lower than the 2008 Proposal.
    - The current conceptual plan for the Revised Proposal includes a parking garage near 6th Street where a water main connection was proposed. Therefore, the proposed improvements were analyzed without the connection to 6th Street to determine if the 4,000 gpm fire flow requirement and 2014 Revised Proposal demands could be met with connections at Central Way and Kirkland Way. The results indicated that the connection at Central Way would need to be 16-inch-diameter pipe and the 16-inch water main would need to be extended towards the parking garage if a hydrant was necessary on the west side of the parking garage and south to the connection in Kirkland Way. The water main connection in Kirkland Way can remain 12-inch-diameter pipe. In addition, fire hydrants would be necessary on 6th Street to properly service the buildings on the east side of the Kirkland Parkplace site. During the development review phase, fire flow analyses shall be performed for the actual fire hydrant locations to verify the proposed water main sizing.

Sewer

Recommended downstream improvements include upsizing the existing 24-inch pipe at the intersection of Central Way and 3rd Street to 48-inch diameter pipe. This is consistent with the improvements immediately downstream already installed by King County for the Kirkland Lift Station, and is consistent with prior recommendations for this portion of the sewer system. This section of pipe installation would involve a crossing perpendicular to multiple lanes of Central Way, and may contain utility conflicts. The pipe upsizing could potentially be reduced to 30-inches, to avoid conflicts; however, this would need to be verified with a backwater analysis, and may involve some surcharging.

Although the flow rates from the proposed Parkplace development would represent an increase compared to the existing flows, they would represent a slight increase over the prior Parkplace development. The downstream 24-inch diameter sewer trunk would need to be upsized regardless of

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the future development at Parkplace, due to the other tributary sewage flows within the basin. The Parkplace redevelopment would contribute to increased flow rates through the undersized pipe, but would not be the primary cause of the capacity issues.

Therefore, the applicant shall provide their fair share of the cost of the improvements consistent with the City's Sewer System Plan and Municipal Code as determined by the Public Works Director or designee.

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MEMORANDUM

DATE: January 21, 2015

TO: Angela Ruggeri, Senior Planner, City of Kirkland

FROM: Michael Hodgins, Principal, BERK Consulting
Lisa Grueter, AICP, Manager, BERK Consulting

RE: Value of Mixed Uses in Centers

Purpose

This memo describes broadly the value of mixed uses in a city core and describes the effects of combining residential, retail, and office uses. It concludes with a review of similar case study projects and some trends and considerations regarding the combination of residential and grocery uses in a downtown context.

Background

In 2008, the Touchstone Corporation requested land use approvals to allow redevelopment of the Parkplace retail/office complex located at 457 Central Way in Kirkland. The project contained as much as 1.8 million square feet of office, retail, and hotel use, including increases in permissible building height up to a maximum of 8 stories.

In 2014, Talon Private Capital (Talon) is proposing a new redevelopment proposal in conjunction with the current property owner, Prudential Real Estate Investors. The "Revised Proposal" is 34 percent smaller than the 2008 Proposal at approximately 1.2 million (1,175,000) square feet. The mix of uses would include office and retail similar to the 2008 Proposal. The Revised Proposal will also add up to 300 units and 300,000 square feet of multifamily residential. The development would generally be 5-8 stories in height, consistent with the Zoning Code standards in place. The 2014 Revised Proposal would newly generate residents on the Parkplace site; residential use was not included in the 2008 proposal but was allowed by the zoning code (up to 10 percent of gross floor area).

Members of the Kirkland Planning Commission are considering zoning code and master plan and design guidelines to allow for the Revised Proposal. Some questions have arisen such as:

- What is driving the need for the residential uses in relation to the grocery store?
- What are the benefits of residential uses over retail? Does retail perform better when combined with residential uses?
- How do retail and residential requirements compare to office needs? Is office over retail viable?

Talon has provided some insights into their proposed mixed use concepts and the relationship of residential uses and retail negotiations (Bill Pollard, Talon, January 9, 2014, email to Angela Ruggeri, Senior Planner, City of Kirkland):

> *As I mentioned yesterday, we are in an active and delicate negotiation with QFC as well as other retailers. We continue to hear from the spectrum of retail users that an appropriate on-site residential density is an important attribute for*

> *extended hours, seven day per week retail. As owners, we view our requirement for the requested multi-family density as both a response to the retailer tenant market as well as a critical element in assuring the retail is viable and vital for the benefit of greater Kirkland. We won't be successful in attracting corporate office users if we can't demonstrate the vitality of the adjacent retail.*
>
> *… I have attached the pertinent language from the existing QFC Lease which binds us to achieve their consent on any substantive modification to the project…*

BERK Consulting is a public policy firm based in Seattle with expertise in finance and economics and local government planning. Some representative projects have included:

- City of Seattle, Implementing Transit Oriented Development In Seattle: Assessment and Recommendations For Action, Final, August 2013
- City of Seattle, Public & Private Investments in South Lake Union, 2012
- City of Bellevue Downtown Livability Initiative, Review of Incentive Zoning Practices, October 2013
- Kirkland Tax Burden Analysis, 2010 and 2012.
- City of Kirkland, MRM Private Amendment Request Fiscal Analysis, evaluating mixed use office and mixed use residential alternatives, 2013
- Shoreline Commercial Density Study, 2012

Our thoughts and other articles regarding mixed uses are qualitatively described below.

Value of Mixed Use Development to Productivity in the City Core

Residential uses in a city core have value since such uses support more services, retail, and a 24-hour environment that is more productive for commercial uses generally. Each development proposal will weigh the value and requirements of each type of use – residential, retail, and office. Considering that presently the incremental value of residential is likely higher than office, the effect of not doing residential would not necessarily be a greater amount of office. Having less residential and office uses may also alter the amount of retail proposed. Residents are attracted to well-designed mixed use places for a walkable and convenient lifestyle, and such households are important to contributing to a healthy customer base for retail uses. The vibrancy of the retail can in turn help attract office uses. Office employees can then reinforce retail uses on site.

What is the value of residential uses to retailers?

> *"…When the housing market is strengthening, retail sales rise. That is good for the center's owner and/or developer, especially if they share in their tenants' gross revenue, and often leads to an upswing in new retail construction…*
>
> *The downturn [Great Recession] prompted many retail real estate companies to focus or refocus on high-density urban projects...*
>
> *…Americana's 600,000 square feet (56,000 sq m) of retail space is topped by 100 upscale condominiums, plus 242 luxury rental apartments that are 98 percent leased. There is ample meeting space that community groups can use at no charge, and free public events are held regularly...*
>
> *A growing number of retail developers and owners are adopting similar strategies to bolster their chances of success at new projects or to breathe fresh air into old ones. "We will definitely see the inclusion of more residential space*

and even offices at many retail projects in the future," says Ian F. Thomas, chairman of Vancouver, Canada–based Thomas Consultants, who has worked with owners around the world to design or redesign their projects and formulate the right tenant mix.

"Residential and office components, as well as all those recreational and amusement attractions that have popped up at centers across North America, ramp up the 'body heat' of a property by making it busier and more exciting to go to,' says Thomas. 'Residents and office workers are sort of a captive audience of the owner. If you want to buy a handbag or go out to dine, you can do so by taking a short walk to the center rather than jumping into your car and driving several miles.' (Mixed Use in an Overretailed Landscape, By David Myers, July 1, 2013 http://urbanland.uli.org/planning-design/mixed-use-in-an-overretailed-landscape/)

What is the value of retail development in attracting residential or office uses?

Strong retailers and restaurants can promote residential and office investment in city centers. Principles of Urban Retail Planning and Development– *January 3, 2012, by Robert J. Gibbs, Section 5.1*

Do office developments support retail?

On average, each office worker can support approximately 7 square feet of restaurant space and 23 square feet of retail space. Given the average of 200 square feet of office space per worker, every 200 square feet of office space directly potentially supports up to 30 square feet of retail and restaurant development, or 15 percent of the gross office size. Additional retail and restaurant space can also be supported by residential areas, tourism, and the region as a whole. Most shopping centers need daytime employment centers to support their restaurants and shops. The importance of office development for sustainable retail centers cannot be overemphasized. Principles of Urban Retail Planning and Development– *January 3, 2012, by Robert J. Gibbs, Section 5.4*

What is an appropriate balance and design of residential, retail and office uses?

To help ensure the success of mixed-use developments, developers should not give higher priority to one use, Adams says. "Each use should optimize its own operational requirements," he says. "Retail has high bay space and is configured to engage and enliven the public environment. Upper-level residential space is designed to be livable with appropriate privacy and amenities. Residents are not forced to mingle with shoppers. Office components have a clear address. Hotel uses have required [visitor] drop-offs that don't interrupt the continuity or character of the pedestrian environment."(UrbanLand, New Suburbanism: Reinventing Inner-Ring Suburbs, By D. Jamie Rusin, Sean Slater, and Ryan Call, July 8, 2013, http://urbanland.uli.org/planning-design/new-suburbanism-reinventing-inner-ring-suburbs/)

What are example case studies of successful mixed use developments with residential and grocery combinations or residential, retail, office and entertainment uses?

***Bellevue, WA** mixed use residential-grocery store: "The new Safeway at Northeast Fourth Street and Bellevue Way Northeast is the kind of supermarket that had been found only in the densest, most walkable precincts of Seattle. It is*

both a response to and a reflection of the transformation downtown Bellevue has undergone. Almost no one lived in the city center a decade ago. Now it boasts about 5,000 residents, mostly in newer condos and apartments. Bellevue's planning department reports 3,000 more units under construction and 2,500 in the permitting process. … The 55,000-square-foot grocery is on the ground floor of Avalon Bay Communities' seven-story Avalon Meydenbauer project, which includes 368 apartments and 18,000 square feet of additional retail space." (Seattle Times, June 27, 2008, New Bellevue Safeway caters to urban dwellers A grocery store unlike any other on the Eastside opened its doors Friday. People live above it. Patrons park beneath it...By Eric Pryne, Seattle Times business reporter, http://seattletimes.com/html/businesstechnology/2008021192_safeway28.html)

***West Seattle, WA** has four mixed use developments typically combining vertical residential mixed use over grocery and other retail stores: the pioneering senior housing, grocery/retail, and office development in the early 1990s at Jefferson Square Safeway with residential above the grocery and other retail; the recent vertical mixed use development with apartments above a QFC grocery and Petco along Alaska Street (see below); the Admiral Safeway Mixed Use Project with a grocery store, LEED environmental features, wrap around apartments and a rooftop parking and amenity area; and the Whole Foods Mixed Use Development under construction with ground floor grocery and retail uses and upper story apartments.*

The mixed use development with the QFC and Petco on the ground floor and apartments above is described below:

"Capco Plaza, a seven-story apartment/retail building under construction on Southwest Alaska Street between 41st and 42nd avenues southwest, will give the Junction more of a 'downtown atmosphere,' said the developer Leon Capelouto.

'This creates some synergy,' said Capelouto, who owns several properties in the area. 'It will really help and benefit the Junction. I think it will create more commerce and pedestrian traffic.'

…The first two underground levels of the new project will be for parking. A third underground level will hold Office Depot [since changed to Petco] and the fourth level, above grade, will be QFC, with another parking floor above it.

Three floors with 160 apartment units will be located on top of that..."

(West Seattle Herald, 11/13/2007, http://www.westseattleherald.com/2007/11/13/news/junction-enters-next-stage-development)

Note: There are many more mixed use projects in Seattle with residential uses above grocery stores in Ballard, Lower Queen Anne, NE 65th Street, Capitol Hill, and elsewhere.

***Birkdale Village, Huntersville, North Carolina** "Birkdale Village combines lifestyle and community center retailers with rental residential areas into a walkable town center that has proven to be a practical market-based model for new urban communities (Figure 15-1). Opened in 2002, the town center has 360,000 square feet of retailers, restaurants, a multiplex cinema, and 320*

market rate apartments. Over 80 percent of the residential property is built above retail stores. The commercial area is all surface parked in small lots and with on-street stalls. The residential units have a separated parking deck that is surrounded by commercial property." (Principles of Urban Retail Planning and Development– January 3, 2012, by Robert J. Gibbs, Chapter 15 Case Studies: New Town Centers 15.1)

Mashpee Commons, Mashpee (Cape Cod), Massachusetts "*Mashpee Commons was one of the first mixed-use town centers planned according to new urbanist principles. In 1986, its first phase of development opened on the site of a former neighborhood shopping center. Today the commons includes over 90 prime local and national retailers that occupy over 250,000 square feet of space. A post office, cinema, senior center, residential areas, and 30,000 square feet of office space comprise the balance of the center. Mashpee Commons was planned to have streets and small blocks grouped around squares and plazas. Its layout includes deflected streets, pinwheel squares, and a single reverse "L" neighborhood center. Shoppers have plenty of convenient parking to choose from, either on street or in surface lots located around the perimeter of the retail center. Mashpee Commons has been highly successful economically and as a model for compact urban planning. The center reports sales that are well above industry standards and draws shoppers from as far away as Rhode Island and much of Massachusetts. Mashpee is especially noteworthy for its pioneering new urbanism adaptation of an existing strip shopping center into a walkable mixed-use town center, as well as for its authentic vernacular architectural design." (Principles of Urban Retail Planning and Development– January 3, 2012, by Robert J. Gibbs, Section 15.8) Though low and midrise in scale, it illustrates similar mixes of uses planned for Parkplace and has a traditional form of residential above retail.*

Observations regarding Grocery Stores and Residential Uses

It is not an accident that there are many examples of grocery stores with residential uses in vertical floors above in the urban Seattle-Bellevue area. Reasons likely include:

- A grocery store is a single large use, and has an expansive space or floor plate on one level typically,
- The design of the base grocery store makes it easier to add floors of residential above and to keep their entrances separate and secondary (less prominent), and
- It is more synergistic to have residents with daily or weekly grocery needs onsite; since people tend to buy groceries close to home they would likely use an onsite grocery store most frequently. Residents adjacent to the site may or may not use the grocery store as frequently.

As land prices rise, grocery stores in downtowns may move to less expensive lands, unless a vertical mixed use development allows a grocery to capture greater synergy with regular and frequent purchases in addition to the residents that live in adjacent developments.

Office buildings may have more needs for a "presence" such as a large ground floor lobby that may compete with where the retail entry is on the ground floor; office employees may not want to store regular grocery purchases at the office and may have more limited though regular purchases at a grocery store (e.g. deli at lunch time).