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## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Janice Coogan, Senior Planner  
Jeremy McMahan, Deputy Planning & Building Director  
Adam Weinstein, AICP, Planning & Building Director

**Date:** August 18, 2020

**Subject:** Amendments to the Kirkland Zoning Code (KZC) and Kirkland Municipal Code (KMC) Design Guidelines For Totem Lake Business District, For Transit Oriented Development (TOD) and Government Facility Parking Garage Uses at the Kingsgate Park and Ride, Files: CAM19-00129, (KZC Amendments), CAM18-00196 (Design Guidelines For Totem Lake Business District)

### Recommendation

Adopt two ordinances, amending the Kirkland Zoning Code (KZC) and Kirkland Municipal Code (KMC 3.30.040) Design Guidelines for the Totem Lake Business District, to support redevelopment of the Kingsgate Park and Ride property into a Transit-Oriented Development (TOD) and Government Facility Parking Garage Structure planned by Sound Transit and Washington State Department of Transportation (WSDOT). The proposed amendments incorporate the Planning Commission recommendation and direction received at the City Council briefing on August 4, 2020.

O-4733 KZC Chapters 5, 30 and 112

O-4678 KMC 3.30.040 Design Guidelines for the Totem Lake Business District

### Background

#### *Overview of Amendments*

The proposed amendments to the Zoning Code and Kirkland Municipal Code implement the goals and policies in the Totem Lake Business District Plan (2015) to support Transit Oriented Development, expansion of the Kingsgate Park and Ride, and Sound Transit's ST3 project on I-405. The amendments also implement the recommendations of the Totem Lake Urban Center Enhancement and Multimodal Transportation Network Plan (2018).

The Zoning Code amendments add two new use listings and related development standards to the PR 1.8 zone in KZC Chapter 30 to allow for development of a TOD and parking garage at the Kingsgate Park and Ride property. Amendments to the Design Guidelines for the Totem Lake Business District will apply both district-wide and specifically to a TOD at the Park and Ride. Amendments to definitions (KZC Chapter 5) and affordable housing incentives (KZC Chapter 112) also relate to fostering TOD at the park and ride.

*Planned TOD at Kingsgate Park and Ride Property*

Development of a TOD at the Kingsgate Park and Ride has been a major City priority for several years, and in August 2018, the City Council adopted [Resolution R-5325](#) establishing objectives for the TOD including:

- Develop affordable housing at the Kingsgate site, with a significant share of the affordable units at moderate and/or lower income levels, including units that are accessible to those with disabilities
- Allow a mix of uses
- Ensure high quality development
- Apply green building techniques in development
- Coordinate with agency partners

Please refer to the [August 4 briefing memo](#) for background information related to the feasibility study that evaluated TOD at the park and ride, involvement of other agencies, summary of proposed code amendments, an equity assessment, criteria for amending the Zoning Code, Planning Commission input on the code amendment project, and the environmental review of the code amendments.

**City Council Direction on Planning Commission Recommendation**

On August 4, 2020, City Council received a briefing from staff on the proposed amendments and on the Planning Commission (PC) recommendations presented by Chair John Tymczynsyn and Vice Chair Angela Rozmyn. City Council discussion of the PC recommendations, direction received from the City Council, and staff's response to that direction is summarized below.

*Government Facility Parking Facility Requirements:*

1. Should customer bathrooms be a requirement of the new parking garage or TOD?

Planning Commission Recommendation: The PC recommended that a public restroom be provided for transit users at the new parking structure or park and ride (or allow the garage operator to delegate the requirement to another party, such as the TOD developer) because there is a lack of access to a restroom within easy walking distance of the park and ride.

City Council Discussion and Direction: City Council discussed the Planning Commission recommendation and raised concerns about the security and maintenance of a possible restroom at the Park and Ride. The Council discussed recent security and maintenance problems at the Municipal Parking Garage in Downtown Kirkland. See the discussion about the security of the parking structure, below.

Staff Response: No changes were made to the proposed draft code amendments to require installation of a public restroom. One option for a public restroom is a product available from the Portland Loo company <https://portlandloo.com/>. The restroom is low maintenance, solar powered, and has open grating to deter crime. The cost for the facility is around \$110,000.



*Example of a restroom from the Portland Loo Company*

Another alternative to providing a public restroom is that a commercial use would likely provide customer access to a restroom. Pending City Council's final direction, staff will continue researching options and discussing this idea with agency staff.

## 2. Security concerns of the new parking garage facility at the park and ride

Planning Commission Recommendation: The PC expressed concerns about security at the park and ride garage and recommended that Council consider the entity and mechanism responsible for security so that the burden is not shifted to the City.

City Council Discussion and Direction: In response to the PC's security concerns at the new garage, City Council had several questions for staff:

- *What are the current security practices in place at the Kingsgate park and ride?*
- *What is unique about the new parking garage facility compared with parking garages elsewhere in the city?*
- *Are there security concerns at the South Kirkland Park and Ride garage?*

Staff response: Planning staff has reached out to the City's Police Department and other agencies to ascertain what security management exists today at the Kingsgate Park and Ride and the South Kirkland Park and Ride, and what is planned for the future. The draft regulations require the parking garage and surrounding site landscaping to be designed using the principles of Crime Prevention Through Environmental Design (CPTED), which includes strategies such as strategically using lighting and pedestrian activity to increase safety.

Sound Transit has indicated that security measures at their parking facilities include:

- Security patrols
- Camera surveillance
- Customer emergency phones
- Crime Prevention Through Environmental Design (CPTED)
  - Adequate lighting

- Open sight lines
- Landscape design
- Elevators with transparent glazing
- Materials that are difficult to vandalize

According to the City's Police Department, police officers routinely proactively patrol the South Kirkland Park and Ride and report a relatively small number of crimes. The Police Department reports an average of 170 potential security or illegal activity incidents annually, approximately half of which are the result of the Police Department's proactive patrols. On average, they receive 14 case reports annually of what they consider to be low level property crime cases (car prowls, auto theft, personal theft, warrant arrests).

Staff Conclusions: Staff will continue discussions with the agency partners regarding the security management planned for the new garage. The City has an existing memo of understanding between our law enforcement and park and ride security and will continue the conversation with the agency partners and the City's Police Department. Staff believes that no additional zoning regulations are needed at this time to address this issue. Instead, staff recommends that as part of any shared use agreement, security management of the facilities will need to be agreed to by the various agencies, a future developer and the Kirkland Police Department.

3. Increase the number of electric vehicle-ready parking stalls

City Council directed staff to revise the requirements to increase the number of electric vehicle parking stalls because there is likely to be greater demand for EV parking stalls at the park and ride compared to a typical commercial use. The code drafted by staff required that 2% of all stalls (approximately 8 stalls) be EV-equipped and 4% of all stalls (approximately 16 stalls) be EV ready to have the infrastructure allowing them to be equipped with EV in the future.

Staff Response: Staff contacted Sound Transit to see what amount of an increase they could accommodate. Sound Transit responded that they would be agreeable to keeping the minimum 2% of the total new vehicle parking stalls as EV parking stalls and provide 6% (increase from 4% to 6% (24 stalls) of the new vehicle parking stalls as EV ready charging stations with the appropriate infrastructure and electrical service for future use. Staff revised Exhibit A, Special Regulation 40.k to reflect the change to 6% EV ready stalls.

4. Maximize tree retention for the entire site

City Council wanted to be sure the amendments required retention of as many trees as possible with new development on the subject property, and not only in the perimeter buffer areas.

Staff response: The future development proposal will need to comply with the tree retention requirements in Chapter 95 of the KZC, including submittal of a tree evaluation and retention plan. Staff will review the site plan for maximum tree retention.

The proposed code amendments for the park and ride and TOD projects require retention of the existing treed buffers on the south and west property lines. Trees within these buffers will need to be evaluated for their health. If unhealthy trees need to be removed, they will need to be replanted with a similar variety. The south buffer will be required to be enhanced with additional vegetation and trees and a six-foot tall solid fence. New trees will be required to be planted along the interior roads.

If trees located along the 116<sup>th</sup> Way NE street frontage need to be removed associated with the TOD project or the NE 132<sup>nd</sup> Street intersection project (by WSDOT), trees will be required to be replaced with larger growing species with a minimum conifer percentage. This requirement will also provide a buffer between the TOD and freeway, and result in an expansion of the existing conifer-dominant urban forest on the park and ride site.

Staff Conclusions: Staff believes the existing and proposed requirements address City Council's concerns and no additional requirements to the draft code amendments are necessary.

5. The 116<sup>th</sup> Way NE crosswalk adjacent to the park and ride needs to be improved

The City Council indicated that the crosswalk across 116<sup>th</sup> Way NE should be improved because it is anticipated that there will be an increase in pedestrian usage of the crosswalk as a result of increased capacity at the park and ride facility, and increased pedestrian traffic between the park and ride and the new BRT station. There will also likely be increased vehicle traffic along 116<sup>th</sup> Way NE as a result of the new freeway entrance at NE 132<sup>nd</sup> Street and 116<sup>th</sup> Way NE, and free-flowing vehicles through the new roundabouts at the intersection. As part of the Safer Routes to School Action Plan, this crosswalk was also targeted by the community as a priority for improvement. Furthermore, City Council indicated support for exploring the potential for a covered walkway or bridge across 116<sup>th</sup> Way NE that connects the new parking garage and TOD with the new BRT station on NE 128<sup>th</sup> St.

Staff Response: Sound Transit is not planning crosswalk improvements as part of their parking garage project and likely won't provide funding. WSDOT is also unlikely to fund crosswalk improvements. It is possible that funds could be used from a City sponsored program or Capital Improvement Program to improve the crosswalk. Planning staff discussed these requests with Public Works Transportation Division staff. The future TOD project will need to go through environmental review, including a traffic impact analysis, to determine the potential impacts associated with vehicle and pedestrian trips. The TOD may trigger the need for a traffic signal at the southern driveway to the park and ride, or other improvements (including improvements to facilitate pedestrian crossing of 116<sup>th</sup> Way NE) that could include crosswalk improvements on 116<sup>th</sup> Way NE.

Following are initial thoughts from Public Works and Planning staff regarding the feasibility of constructing a covered walkway or elevated pedestrian bridge across 116<sup>th</sup> Way NE.

- A rough estimate is that such a project would cost \$10-15 million, if it is feasible.
- Given the right of way width of 116<sup>th</sup> Way NE and the existing retaining wall along I-405, there may not be adequate space for a structure to support a bridge to provide the necessary vertical circulation in the form of some combination of ramps/stairs/elevator while maintaining the north-south sidewalk along that side of 116<sup>th</sup> Ave NE. It is likely that this type of structure would require rebuilding or reinforcing the retaining wall, which would likely be a very costly endeavor.
- For people starting at ground level of the park and ride site and wanting to access the BRT station, an overcrossing would require traversing multiple sets of stairs/escalators/elevators, meaning that many people would likely prefer an at-grade crossing on the street and such a crossing would still need to be provided (e.g., Bellevue Square parking lots on the east side of the mall).
- What staff has proposed instead is upgrading the existing in-pavement lights, in the short term, to a Rectangular Rapid Flash Beacon (RRFB) lighted crosswalk and in the long term to either a Highly Intensity Activated Crosswalk (HAWK) signal or full traffic signal. RRFBs are a crosswalk enhancement that raises driver awareness and improves pedestrian safety, but they are not regulatory traffic control devices and cannot be coordinated with other surrounding traffic signals. HAWKs cost more than an RFB because they use similar equipment to a traffic signal. They also function as a traffic control device so drivers are required to stop so that pedestrians can safely cross the street once they receive the walk pedestrian signal (the City's first HAWK is part of the 124th Ave NE Improvement Project).

Staff Conclusions: It is too soon to know if there will be sufficient "nexus" (legal authority to require) between the impacts of the parking garage/TOD development, and a requirement to improve the existing crosswalk at 116<sup>th</sup> Way NE. That assessment would come with a traffic impact analysis at time of environmental review for either the government facility parking garage or TOD project. Therefore, staff does not recommend adding the requirement for an improved crosswalk to the draft code amendments.

*TOD Code Requirements:*

1. Amount of affordable housing and income level requirements

Planning Commission Recommendation: The PC supports the affordable housing requirements as drafted by staff, but recommended that the City Council review WSDOT's requests in the agency's July 22, 2020 letter to determine if the affordable housing threshold objectives established by R-5325 would actually make the project non-viable, as WSDOT states. WSDOT requests a change to the draft affordable housing requirements to establish a cap of 200 units and raise one of the income levels from 50% to the less restrictive 60%.

City Council Discussion and Direction: City Council considered WSDOT's request and decided to not agree to WSDOT's request. Council supports the more aggressive affordable housing requirements as drafted by staff for the lower income level (51%) and to require a minimum 51% of the total housing units in the TOD be affordable housing units. Council discussed that this location in the Totem Lake Urban Center is ideal for affordable housing because it is near the transit hub, Evergreen Hospital, employment opportunities, shopping and other services.

Staff response: Per City Council direction, no changes were made to the proposed affordable housing requirements.

2. Add a requirement for the TOD to provide a children's play area and equipment

Several City Council members expressed the need for a playground for children at the TOD project and mentioned that such a facility would have been useful at the South Kirkland Park and Ride TOD.

Staff response: The draft code amendments for the TOD open space requirements have been revised to require that a playground area with play equipment be provided. See draft Exhibit A, Section 30.20.300. Special Regulation PU-41.n.

3. Allow a 0' front yard along 116<sup>th</sup> Way NE to locate buildings up to the sidewalk

City Council discussed that the TOD building(s) should not be required to have a setback along 116<sup>th</sup> Way NE because the site is located next to the freeway (reducing the potential for a cavernous pedestrian environment and impacts to adjacent uses). A building adjacent to the sidewalk would encourage increased pedestrian activity and potentially accommodate more development (housing units and commercial space). Other buildings located across the freeway in Totem Lake Business District are located at the sidewalk. In addition, City Council suggested that commercial uses should be allowed to be in the interior portion of the project as well.

Staff Response: The draft amendments allow the Design Review Board to reduce the setback along 116<sup>th</sup> Way NE from 20' to 0' if the street level floor of the building contains a commercial use (along the street or in the interior of the site) designed with a pedestrian-oriented façade with direct access to the street, provides weather protection, provides public spaces with seating, landscaping, art and transparent storefronts; or residential uses or lobbies have entries, porches or stoops oriented to 116<sup>th</sup> Way NE (Special Regulations DD-33, DD-34 and DD-35).

Staff Conclusions: Staff concludes that the draft amendments address the concerns raised by the Council in that they would allow for the Design Review Board to approve a 0' front yard setback along 116<sup>th</sup> Way NE.

#### 4. Green building requirements

Planning Commission Recommendation: The PC discussed whether the proposed green building standards were too high for a developer building the TOD project and wanted to give flexibility to a developer to lower standards to reduce construction costs if other public benefits were provided. The PC recommended retaining the current standard for green development at LEED Platinum or equivalent and allowing a maximum 85' height, while allowing a developer to reduce the green building standard by proposing a significant public benefit (such as a greater amount of affordable housing or income level) to reduce the standard to LEED Gold or equivalent.

City Council Discussion and Direction: City Council supports keeping the green building requirements as drafted by staff.

#### 5. Parking requirements

Planning Commission Recommendation: The PC agreed to advance the parking requirements as drafted but include a statement in the regulations that the parking requirements may be reduced, and parking may be shared pursuant to the existing regulations in the Zoning Code (KZC 105.103 and 105.45).

City Council Discussion and Direction: The City Council did not propose a deviation from the parking requirements recommended by the PC.

Staff Response: Staff believes no additional text is needed because existing KZC 105.103 allows for a development applicant to request a reduction in the number of stalls if data justifies lower parking demand and transportation demand management is established (e.g., the provision of ORCA cards for residents). KZC 105.45 allows shared parking if the number of parking spaces provided is equal to the greatest number of required spaces for uses operating at the same time. Beyond what KZC 105 allows, draft Section 30.40.300. Exhibit A, Special Regulation DS-15 and PU-41 allows for City Council to consider an alternative approach to meet the affordability objectives including flexibility in parking requirements through approval of a Development Agreement.

#### 6. Building height and massing

Planning Commission Recommendation: The PC supported the recommended maximum building height requirements as drafted but recommended staff add provisions to the Design Guidelines for the Totem Lake Business District to address the modulation of buildings on the west side of the TOD to mitigate the effects of the building height and back of building on neighboring residential properties, and to ensure the facades are attractive. See the guidelines discussion below.

City Council Discussion and Direction: City Council supports the proposed building height.

7. Design Guidelines for the Totem Lake Business District revisions

Planning Commission Recommendation: The Planning Commission recommended adding a guideline that would ensure the west side of the TOD buildings have high-quality and visually-appealing design.

City Council Discussion and Direction: The City Council agreed with the PC recommendation to include a design guideline related to the west side of the TOD buildings. City Council also directed staff to revise the vision for the Totem Lake Circulator (Ordinance 4678, Exhibit A, page 14) to indicate that the boulevard should be hospitable for “bicyclists” in addition to pedestrians and drivers.

Staff Response: Staff revised the Design Guidelines to incorporate the direction summarized above.

Enclosures:

KZC Ordinance 4733 and Summary Publication Ordinance

Exhibit A Amendments to KZC 30, PR 1.8 including regulations for new Government Facility Parking Structure and TOD including Attached and Stacked Dwelling Units or Residential Suites

Exhibit B Amendments to KZC 5.10 Definitions

Exhibit C Amendments to KZC 112 Affordable Housing Incentives for Multifamily

KMC Ordinance 4678 and Summary Publication Ordinance

Exhibit A KMC 3.30.040 Draft Design Guidelines for Totem Lake Business District

cc: CAM19-00129 and CAM18-00196

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