

NO. 64751-2-I

COURT OF APPEALS, DIVISION I  
OF THE STATE OF WASHINGTON

FILED  
COURT OF APPEALS, DIV. #1  
STATE OF WASHINGTON  
2010 APR 26 AM 2:30

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DAVIDSON SERLES & ASSOCIATES, a Washington general  
partnership, and TR CONTINENTAL PLAZA CORP., a Delaware  
corporation,

*Appellants,*

v.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS  
BOARD, an agency of the State of Washington; CITY OF KIRKLAND, a  
municipal corporation and TOUCHSTONE CORPORATION, a  
Washington corporation, et al.,

*Respondents,*

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BRIEF OF RESPONDENTS CITY OF KIRKLAND AND  
TOUCHSTONE CORPORATION

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- Appendix A: Current City of Kirkland SEIS compliance schedule
- Appendix B: City of Kirkland Ordinances 4170-4175
- Appendix C: GMHB Order Setting Extended Compliance Schedule

## I. INTRODUCTION

Appellants Davidson Serles & Associates and TR Continental Plaza Corp (“Davidson and Continental” or “Appellants”) ask the Court of Appeals to order the Growth Management Hearings Board (“Board”) to invalidate two City of Kirkland (“City”) ordinances (“Ordinances”). See *Davidson Serles & Associates et al. v. City of Kirkland, et al.*, CPSGMHB Case No. 09-3-0007c (Final Decision and Order, October 5, 2009) (“Board Decision”).

Their argument is based on three premises followed by a conclusion drawn from those premises:

(1) The Board found the City SEPA review of the Ordinances inadequate in one respect;

(2) Judicial precedent in the non-Growth Management Act context holds that ordinances adopted without adequate SEPA review are invalid;

(3) The Board should have applied the non-Growth Management Act judicial precedent (referred to in Premise 2) in this Growth Management Act proceeding and invalidate the Ordinances;

(4) Because the Board did not do so, the Board committed reversible error.

The flaw in Appellants’ argument is in the third premise.

Davidson and Continental fail to acknowledge that the Board is a creature of the legislature. It has no inherent or common law powers. *Skagit Surveyors v. Friends of Skagit County*, 135 Wn.2d 542, 557-558, 958 P.2d 962 (1998). Its authority to fashion a remedy is strictly limited by statute – in this case, RCW 36.70A.302. The Board is authorized to invalidate an ordinance *only* if the continued validity of the ordinance “would substantially interfere with the fulfillment of the goals” of the Growth Management Act (“GMA”).

The Board reviewed the record in this proceeding, and determined that the continued validity of the City Ordinances during the period of remand would not “substantially interfere” with GMA goals.

Davidson and Continental identify no evidence in the record that the Board failed to consider, and no evidence that would indicate that the continued validity of the City Ordinances during the period of remand would “substantially interfere” with GMA goals.

Accordingly, the Board properly exercised its responsibilities under GMA and committed no legal error. The Board had no authority or responsibility to consider judicial precedent arising from a non-GMA context. Rather, the Board’s remedial power is strictly limited by statute. Davidson and Continental’s appeal should be dismissed.

## **II. RESTATEMENT OF THE ISSUE**

Is the power of the Growth Management Hearings Board to fashion a remedy when faced with an ordinance whose SEPA review was inadequate in one respect, strictly limited by RCW 36.70A.302?

## **III. RESTATEMENT OF THE CASE**

Respondent Touchstone Corporation (“Touchstone”) and two other private property owners have asked the City to approve three private amendment requests to the City’s comprehensive plan and related land use code amendment requests.

In December 2008 the City adopted ordinances approving those requests.

Two neighboring office building owners (Davidson and Continental, Appellants here), who oppose Touchstone’s mixed-use office and retail proposal, filed appeals to the Growth Management Hearings Board.

The Board dismissed seven of the nine issues raised by Davidson and Continental. The Board remanded to the City to render the transportation element of the Comprehensive Plan consistent with the capital facilities element, and to prepare additional environmental review that included additional alternatives.

The City is currently complying with the Board’s order. The City Council intends to reconsider the ordinances upon completion of the

additional environmental review no later than October 5, 2010. See current SEIS compliance schedule attached as Appendix A.

The Board denied Davidson and Continental's request to invalidate the ordinances, finding that the continued validity of the ordinances would not substantially interfere with the goals of Chapter 36.70C RCW, including the goal of environmental protection. Davidson and Continental in this appeal seek to have this aspect of the Board Decision reversed.

**A. The Three Private Amendment Request Properties.**

The three Private Amendment Request properties are located in the City's downtown area. Their location is identified at AR 01937, DEIS Figure 3.1-1.

Touchstone's property is depicted as Area A, in the eastern portion of downtown. It is an 11.5-acre parcel of land that consists of the Parkplace shopping center at 457 Central Way. It includes seven buildings with a mixture of office and commercial uses. One of the buildings is six stories tall; the remaining buildings are one or two-stories in height. AR 01936, DEIS 3.1-1.

Orni's property is depicted as Area B, on the perimeter of downtown. It is two acres in size, and is improved currently with three two-story office buildings, addressed as 825, 903, and 911 Fifth Avenue. AR 01938, DEIS 3.1-3.

Altom's property is depicted as Area C, 0.9 acres of land with three office buildings, addressed as 220 6<sup>th</sup> Street and 603 4<sup>th</sup> Avenue. It is also located on the perimeter of downtown. AR 01938, DEIS 3.1-3.

**B. The Comprehensive Plan.**

The City's Comprehensive Plan was updated in 2004. It contains the City's 20-year vision for the community, and addresses the elements mandated by Chapter 36.70A, the Growth Management Act ("GMA").

The City prepared a Downtown Planned Action Private Amendment Environmental Impact Statement ("EIS") for the Private Amendment Requests in 2008. Certain Comprehensive Plan Goals and Policies were identified in the EIS as particularly relevant to the Private Amendment Requests. AR 01958-01969, DEIS 3.2-3 through 3.2-12.

They include:

- Framework Goal 4 "Promote a strong and diverse economy."
- Framework Goal 14 "Plan for a fair share of regional growth, consistent with state and regional goals to minimize low-density sprawl and direct growth to urban areas."
- LU 5-3 "Maintain and enhance Kirkland's Central Business District as a regional Activity Area, reflecting the following principles in development standards and land use plans: Create a compact area to support a transit center and promote pedestrian activity..."

- ED-1.2 “Maintain a strong job and wage base.”
- ED-3 “Strengthen the unique role and economic success of Kirkland’s commercial areas.”
  - ED-3.3 “Encourage infill and redevelopment of existing commercial areas consistent with the role of each commercial area.”
  - ED-3.5 “Encourage mixed-use development within commercial areas.”

The Moss Bay Neighborhood Plan (“Moss Bay Plan”), which encompasses all three Private Amendment Request areas, is a component of the City’s Comprehensive Plan.

Within the Moss Bay neighborhood is the eastern portion of downtown which contains the Touchstone parcel. The Moss Bay Plan calls this portion of downtown the “East Core Frame,” and states that “Development in the East Core Frame should be in large, intensively developed mixed-use projects.” It also states that “...because the area between Central Way and Kirkland Way provides the best opportunities in the Downtown for a vital employment base, this area should continue to emphasize office redevelopment over residential.” The Touchstone property is located between Central Way and Kirkland Way. AR 01965-01969, DEIS 3.2-8 through 3.2-12.

**C. Private Amendment Requests.**

In light of these Comprehensive Plan Goals and Policies, Touchstone in 2007 submitted a Private Amendment Request to increase height limits from three to five stories to six to eight stories, and to modify setback and lot coverage provisions. Its objective is to construct a mixed-use project containing 1.2 million square feet of office, 300,000 square feet of retail, and a hotel. Under current zoning, Touchstone could develop close to 1 million square feet of office on the property. The additional density requested would accommodate the proposed retail and hotel uses, and approximately 200,000 square feet more office development than is currently allowed. AR 02614, DEIS 1-1.

The Orni and Altom Private Amendment Requests ask for re-designations that will allow development at a height of 60 feet, as opposed to the current limits of 40 and 30 feet, respectively. AR 02615.

**D. Environmental Review.**

During the same time period that the City's Design Review Board ("DRB") and Planning Commission were considering the Private Amendment Requests, the City conducted environmental review pursuant to the requirements of RCW Chapter 43.21C, the State Environmental Policy Act ("SEPA"). Two related actions were addressed: (1) the three Private Amendment Requests in which the proponents were the three property owners; and (2) a City-sponsored proposal to adopt an ordinance

establishing these three areas as a Planned Action for the purpose of SEPA compliance. AR 02615-02616, DEIS at 1-1 through 1-2.

The Draft EIS considered two alternatives: (1) a “No Action” alternative that contemplates development of the three properties under current zoning; and (2) a “Proposed Action” alternative that contemplates development of the three properties as proposed pursuant to the Private Amendment Requests. AR 02644-02656, DEIS 2-1 through 2-13.

The Draft EIS also contained a thorough Transportation Impact Analysis. It described the affected environment including existing levels of service at 51 intersections. It studied existing parking, transit and pedestrian facilities. It then evaluated impacts of the proposal on roadway operations, levels of service, concurrency, and parking. Finally, it recommended mitigation, including potential capacity improvements and a robust transportation management program. With mitigation, all City level of service guidelines and concurrency requirements would be met as of the 2014 date that the Touchstone proposal was expected to be fully operational. AR 02684-02687, DEIS Chapter 3.4.

The Final EIS was issued in October 2008. It included a new “FEIS Review Alternative,” which is generally similar to or less intense than the Proposed Action, but differs in several specific design and use parameters. AR 04042-04044, FEIS at 1-3.

**E. DRB Review of the Proposal.**

The City's DRB met six times to solicit public comments and to evaluate the proposal. AR 02598-02606.

On March 11, 2008, the DRB completed its recommendation to the Planning Commission. At that meeting, the DRB recommended an arrangement for the open space on site, and identified locations for buildings up to eight stories on site, as well as locations where the buildings should be stepped down to three stories, e.g., on Central Way and adjacent to Peter Kirk Park. AR 02598-02613.

**F. Planning Commission Review of the Proposal.**

The Planning Commission held 20 public meetings on the proposal. Three of the 20 were formal public hearings. However, the public was allowed to address the Commission at all of the meetings.

Finally, at its November 13, 2008 meeting, the Planning Commission made its recommendation on the Touchstone Private Amendment Request for presentation to the City Council. Planning Commission Chair Byron Katsuyama presented that recommendation in his transmittal memorandum to the City Council dated November 20, 2008. AR 02387. He noted that the Commission had met for over a year to weigh the benefits and impacts of the Touchstone proposal, with the concept of using height as a tradeoff for public benefits including open space, sustainability measures, retail requirements and pedestrian

improvements. To that end, the Commission presented the Council with proposed amendments to the Comprehensive Plan and Zoning Code, along with a proposed master plan and design guidelines. Id.

The Planning Commission Chair indicated that the Commission strongly favored the mixed-use nature of the proposal and recommended that the retail component be required as a part of any development on the property. He noted that the Touchstone proposal received broad support among downtown business and property owners, including the Downtown Association and the Chamber of Commerce. These downtown business owners consistently delivered the message that the proposed 5,000 new office workers coupled with a strong retail presence at Parkplace would provide a much needed boost to all of the City's downtown businesses. Id.

The Planning Commission Chair also emphasized that the intensive office component of the proposal was in keeping with the Comprehensive Plan policies that encourage in-city employment and, with respect to the Touchstone property, encourage redevelopment in large intense mixed-use projects. The Chair also stated that it was the Commission's view that the proposal would further the GMA goal to reduce urban sprawl by directing more development into existing urban areas where public facilities and services exist or can be provided. Id.

**G. City Council Action on the Proposal.**

The City Council received the Planning Commission's recommendation on the three Private Amendment Requests on December 2, 2008. Ultimately, on December 16, 2008, the Council adopted six ordinances approving the three Private Amendment Requests. These included Ordinances 4170 and 4171, on appeal in this matter, and Ordinances 4172, 4173, 4174, and 4175 (the Planned Action Ordinance). See attached Ordinances, Appendix B.

**H. Appeal to Growth Management Hearings Board.**

On February 20, 2009, Petitioners filed petitions for review with the Growth Management Hearings Board challenging the compliance of Ordinances 4170 and 4171 with Chapter 36.70A RCW (the Growth Management Act, "GMA") and Chapter 43.21C RCW (the State Environmental Policy Act, "SEPA").

**I. Growth Management Hearings Board Decision.**

The Board Decision rejected seven of the nine claims raised by Petitioners relating to (a) alleged failure to reassess the land use element of the comprehensive plan if funding of capital facilities falls short; (b) alleged inconsistency with the County-wide Planning Policies; (c) alleged failure of the EIS to identify objectives of the proposal; (d) alleged failure of the EIS to consider the proposal's short-term impacts; (e) alleged failure of the EIS to consider indirect impacts; (f) alleged failure to

adequately consider traffic and parking impacts; and (g) that the Board should declare the ordinances invalid for substantial interference with the fulfillment of the goals of Chapter 36.70C RCW. AR 03408-03435.

With respect to two of the nine claims raised by Petitioners, the Board Decision remanded to the City. First, the Board Decision requires the City to take legislative action to render the capital facilities element of the comprehensive plan to include all required transportation improvements and related funding. Second, the Board Decision requires the City to prepare a supplemental environmental impact statement (“SEIS”) that includes additional alternatives to the proposed action.

**J. City Response to Remand.**

The City is complying with the requirements of the Board Decision. The proposed schedule for compliance is attached as Appendix A. The Board, when asked to extend the compliance schedule in accordance with Appendix A, noted that the City “began its compliance work promptly and with reasonable diligence,” and that the “time requested for compliance is reasonable.” See Appendix C, GMHB Order Finding Continuing Noncompliance and Setting Extended Compliance Schedule. Compliance, including (a) completion of a draft and final supplemental environmental impact statement and (b) re-consideration of the ordinances by the Planning Commission and City Council, is expected

to be complete by October 5, 2010. See Appendix A.

**K. Appeals of Board Decision.**

Davidson and Continental appealed the Board's denial of their claim that the ordinances should be invalidated to the King County Superior Court. *DavidsonSerles et al. v. CPSGMHB, et al.*, Cause No. 09-2-43060-8 SEA. The City and Touchstone also appealed the Board's decision to require additional environmental review to the King County Superior Court. *City of Kirkland et al. v. CPSGMHB, et al.*, Cause No. 09-2-43955-2 SEA. The City and Touchstone's appeal has been stayed, pending the outcome of the City's voluntary compliance with the Board's remand decision.

**L. Certificate of Appealability.**

Davidson and Continental asked the Board to certify their appeal for direct review by the Court of Appeals pursuant to RCW 34.05.518(3). The Board granted the requested certificate.

**M. Motion for Discretionary Review.**

Davidson and Continental then asked the Court of Appeals to grant discretionary review, pursuant to RCW 34.05.518-.522 and RAP 17.3. Commissioner James Verellen granted the motion on February 24, 2010.

#### **IV. ARGUMENT**

##### **A. Review of the Board Decision is Governed by the Administrative Procedures Act.**

As a state agency, judicial review of Board decisions is governed by the Administrative Procedures Act (“APA”), Chapter 34.05.570.

The following principles apply:

- (1) The burden of demonstrating the invalidity of agency action is on the party asserting invalidity (RCW 34.05.570(1)(a));
- (2) The court shall grant relief only if it determines that a person seeking judicial relief has been substantially prejudiced by the action complained of (RCW 34.05.570(1)(d)); and
- (3) The court shall grant relief only if it determines that at least one of the nine grounds for relief set forth in RCW 34.05.570(3) has been demonstrated.

Davidson and Continental make no claim that the Board violated constitutional provisions; acted outside its statutory authority; engaged in unlawful procedure; failed to support its decision by substantial evidence in the record; failed to decide a relevant issue; improperly denied a motion for disqualification; acted in a manner inconsistent with Board rules; or was arbitrary or capricious.

Indeed, Davidson and Continental’s sole contention is that “the Board’s decision resulted from the erroneous application or interpretation

of law, namely the failure to apply longstanding judicial precedent invalidating agency action taken in violation of SEPA as required by SEPA itself and the Board's duty to assure noninterference with the environmental protection goal of GMA." Opening Brief at 14.

Davidson and Continental assert that as a question of law, "this issue is reviewable *de novo*." Opening Brief at 14-15. This is correct. By the same token, however, the court will give substantial weight to the agency's interpretation when it falls within the agency's expertise and special area of the law. *Starr v. Washington State Dept. of Employment Sec.*, 130 Wn.App. 541, 123 P.3d 513 (2005); *Hensel v. Department of Fisheries*, 82 Wn.App. 521, 919 P.2d 102 (1996). The court does give substantial weight to the Board's interpretation of the GMA. *Quadrant Corp. v. Growth Mgmt. Hearings Bd.*, 154 Wn.2d 224, 233, 110 P.3d 1132 (2005); *Gold Star Resorts, Inc. v. Futurewise*, 140 Wn.App. 378, 385, 166 P.3d 748 (2007); *Manke Lumber Co. v. Diehl*, 91 Wn.App 793, 801, 959 P.2d 1173 (1998), *review denied*, 137 Wn.2d 1018, 984 P.2d 1033 (1999).

It is noteworthy that Davidson and Continental assign no error to the Board's findings. Accordingly, the factual component of the Board's finding that continued validity of the City Ordinances during the compliance period will not substantially interfere with the fulfillment of the GMA goal to protect the environment, is unchallenged.

**B. The Board's Findings Are Verities on Appeal.**

An appellate court reviews an administrative agency's findings of fact to determine whether they are supported by substantial evidence in the record. *Olmstead v. Department of Health*, 61 Wn.App. 888, 812 P.2d 527 (1991). Unchallenged findings of fact are verities on appeal. *State v. Houvener*, 145 Wn.App. 408, 415, 186 P.3d 370 (2008); *State v. Moore*, 161 Wn.2d 880, 884, 169 P.3d 469 (2007); *Robel v. Roundup Corp.*, 148 Wn.2d 35, 42, 59 P.3d 611 (2002); *Woodhead v. Discount Waterbeds, Inc.*, 78 Wn.App. 125, 129, 869 P.2d 66 (1995); *Ellenburg v. Larson Fruit Company, Inc.*, 66 Wn.App. 246, 228, 835 P.2d 225 (1992); *Nearing v. Golden State Foods Corp.*, 114 Wn.2d 817, 792 P.2d 500 (1990).

In this case, Davidson and Continental have not assigned error to any of the Board's findings. See Opening Brief at 3. Indeed, they have made clear that their only objection to the Board's decision has to do with whether the Board correctly interpreted the law. Accordingly, the unchallenged factual component of the Board's finding that continued validity of the City Ordinances during the compliance period will not substantially interfere with the GMA goal to protect the environment, is a verity on appeal. See Board Decision at 20.

**C. Davidson and Continental Establish No "Substantial Prejudice" from the Board's Failure to Invalidate the Ordinances.**

RCW 34.05.570(1)(d) states that "the court shall grant relief only if

it determines that a person seeking judicial relief has been substantially prejudiced by the action complained of.”

This standard is considerably more restrictive than the standard required to obtain direct Court of Appeals review under RCW 34.05.518(3)(b) (that delay in obtaining review would be “detrimental to any party”). Here, Davidson and Continental must demonstrate that they “have been substantially prejudiced” by the Board’s failure to invalidate the City ordinances.

Not only have Davidson and Continental failed to demonstrate in their Opening Brief that they have been substantially prejudiced. Davidson and Continental never claim that they have been prejudiced at all. They do not address this requirement, or cite to this statutory provision, in their Opening Brief.

Their failure to do so precludes the Court, pursuant to RCW 34.05.570(1)(d), from granting relief. Davidson and Continental’s appeal must be dismissed.

**D. The Board is a Creature of the Legislature Without Inherent or Common Law Powers, Whose Power to Fashion a Remedy is Strictly Limited by Statute.**

In their Opening Brief, Davidson and Continental assert that the Board is bound by “nearly 40 years of well-established precedent under SEPA,” and that the Board “acted unlawfully by allowing to remain valid

actions which the Board itself found to violate SEPA.” Opening Brief at 2.

What Davidson and Continental fail to acknowledge, however, is that “neither the [SEPA] statute nor [SEPA] Rules address legal remedies for SEPA non-compliance.” Richard L. Settle, *The Washington State Environmental Policy Act: A Legal and Policy Analysis*, Section 20(f) (1995). The cases cited by Appellants which Appellants claim “bind” the GMHB to invalidate the Ordinances are all cases that were developed by courts -- who are not creatures of the legislature, who enjoy inherent and common law powers, and whose power to fashion a remedy is not strictly limited by statute. In the gap created by the absence of legal remedies explicitly defined in the SEPA statute, these judicial entities fashioned remedies based on their inherent common law powers. All of these cases cited by Appellants are, however, non-GMA cases. Most of them precede the adoption of GMA. See cases cited in Appellants’ Opening Brief at 26: *Weyerhauser v. Pierce County*, 124 Wn.2d 26, 873 P.2d 498 (1994) (appeal of conditional use permit, not GMA development regulation or comprehensive plan amendment); *Barrie v. Kitsap County*, 93 Wn.2d 843, 613 P.2d 1148 (1980) (appeal of pre-GMA rezone decision); *Eastlake Community Council v. Roanoke Assocs., Inc.*, 182 Wn.2d 475, 513 P.2d 36 (1973) (appeal of pre-GMA building permit); *Noel v. Cole*, 98 Wn.2d

375, 655 P.2d 245 (1982) (appeal of pre-GMA logging contract); *Dioxin/Organochlorine Ctr. v. Pollution Control Hr'gs Bd.*, 131 Wn.2d 345, 932 P.2d 158 (1997) (inapposite citation where approval of waste water discharge permit was found to be categorically exempt from SEPA procedural requirements).

In the absence of legislative definition of the appropriate remedy for failure to comply with the procedural requirements of SEPA, the courts have developed a common law jurisprudence that provides that ordinances adopted by local jurisdictions without complying fully with SEPA are invalid. However, all of this jurisprudence has arisen in a non-GMA context, and most of it arose prior to the adoption of GMA. No court has ever held that an ordinance adopted under GMA but without complying fully with SEPA, is per se invalid. This is the new rule that Davidson and Continental seek in this case to establish, as a matter of first impression.

But with respect to ordinances adopted pursuant to GMA, the legislature has specifically spoken. RCW 36.70A.302 defines and limits the authority of the Board to invalidate ordinances adopted pursuant to GMA.

The Washington Supreme Court has left no doubt but that the Board's authority to fashion a remedy is strictly limited by statute.

Our analysis of the Growth Management Hearings Board's authority to impose or fashion a remedy in any given case begins

with the principle that administrative agencies are creatures of the Legislature, without inherent or common-law powers and, as such, may exercise only those powers conferred by statute, either expressly or by necessary implication... The power of an administrative tribunal to fashion a remedy is strictly limited by statute... We therefore look to the Growth Management Act, itself, to determine the authority of the Board in this case.

*Skagit Surveyors v. Friends of Skagit County*, 135 Wn.2d 542, 557-558, 958 P.2d 962 (1998).

**E. The Board’s Authority to Invalidate a Comprehensive Plan or Development Regulation is Strictly Limited by RCW 36.70A.302.**

The legislature has strictly limited the Board’s authority to invalidate a comprehensive plan or development regulation such as the City’s Ordinances. The Board may determine a comprehensive plan or development regulation is invalid only if the Board:

- (a) Makes a finding of noncompliance and issues an order of remand under RCW 36.70A.300;
- (b) Includes in the final order a determination, supported by findings of fact and conclusions of law, that the continued validity of the part or parts of the plan or regulations would substantially interfere with the fulfillment of the goals of this chapter; and
- (c) Specifies in the final order the particular part or parts of the plan or regulation that are determined to be invalid, and the reasons for their invalidity.

RCW 36.70A.302(1). Even in a case where an ordinance is declared invalid, that determination is prospective only.

A determination of invalidity is prospective in effect and does not extinguish rights that vested under state or local law before receipt

of the board's order by the city or county...

RCW 36.70A.302 (2).

**F. The Board Properly Applied RCW 36.70A.302 in Ruling Upon Appellants' Request for a Declaration of Invalidity.**

The Board acted properly, and well within its discretion, in applying the provision of RCW 36.70A.302 to Davidson and Continental's request for a declaration of invalidity. Board Decision at 20.

The Board began its discussion by noting that a determination of invalidity must be based on a finding that continued validity of a City's action "would substantially interfere with the fulfillment" of a GMA Goal.

The Board observed that Davidson and Continental had cited to GMA Goals 1 (urban growth) and 12 (public facilities and services). The Board noted that since the Board had ruled *against* Davidson and Continental's claims relating to urban growth and public facilities and services, there was clearly no basis for an invalidity ruling.

The Board continued its analysis as follows:

The Board also looks to Goal 10 which requires environmental protection. In this decision, the Board has found Kirkland's SEPA review inadequate in one respect and has therefore remanded the Ordinance to the City for further review. While the deficiency is serious, the Board is not persuaded that the GMA goal will be thwarted absent a ruling of invalidity. The Board remands the Ordinances to the City, establishes a compliance schedule, and declines to enter an order of invalidity.

Board Decision at 20.

GMA Goal 10, which was adopted “to guide the development and adoption of comprehensive plans and development regulations,” identifies the following goal: “Environment. Protect the environment and enhance the state’s high quality of life, including air and water quality, and the availability of water.”

The question before the Board, then, was whether allowing the City’s Ordinances to remain valid during the period of remand would “substantially interfere” with the goal of protecting the environment and enhancing the state’s high quality of life.

Since the Board had rejected all of the substantive claims that had been raised by Davidson and Continental (relating to public facilities and services, transportation concurrency, jobs-housing balance, failing to consider proposal’s short-term impacts, failing to consider proposal’s indirect impacts, and failing to adequately consider parking and traffic impacts), there was nothing in the record that would support a finding that allowing these ordinances to remain in effect would “substantially interfere” with the goal of protecting the environment. Indeed, Appellants’ Opening Brief does not identify *any* evidence in the record that would support a conclusion that failing to invalidate these Ordinances will substantially interfere with protection of the environment.

Accordingly, the Board properly fulfilled its responsibilities under

RCW 36.70A.302 and denied Appellants' request for invalidity. This appeal must be dismissed.

**G. SEPA Provides no Independent Power to the Board to Invalidate Locally Adopted GMA Ordinances.**

Davidson and Continental contend in their Opening Brief at 19-23 that “the Board’s authority is not limited to GMA alone.”

Davidson and Continental, indeed, argue that SEPA “compels the Board to exercise its invalidity authority to enforce SEPA’s requirements.” Opening Brief at 23.

However, Davidson and Continental cite to no statutory provision that authorizes the Board to invalidate legislation to enforce SEPA’s requirements. As a creature of the legislature, without such statutory authorization, the Board has no invalidation authority. *Skagit Surveyors, supra*. The Board does explicitly have the authority to find that the City is not in compliance with SEPA’s requirements, and to remand the matter to the City. RCW 36.70A.300. That is exactly what the Board has done in this case. But there is clearly no statutory authority, stated in SEPA or in GMA, authorizing the Board to fashion an invalidation remedy to enforce the requirements of SEPA per se.

Accordingly, Davidson and Continental’s argument that SEPA “compels” the Board to invalidate the Ordinances has no merit and must be dismissed.

**H. The City Is Currently Complying with the Board's Remand Order.**

Davidson and Continental conclude their argument with the counter-intuitive contention that “invalidation is necessary to assure compliance with SEPA.” Opening Brief at 23-28.

This argument is counter-intuitive, because as this response brief is being written, the City is completing the very “alternatives analysis” that Davidson and Continental extol so vigorously in their Brief. If indeed invalidation is necessary to assure compliance with SEPA, how is it, then, that the City, despite the Board's denial of Appellants' invalidation request, is complying with SEPA?

The answer, of course is straightforward. The City abides by the law. The Board has ordered the City to conduct an alternatives analysis and to take appropriate legislative action. The City does not need the “punishment” of invalidation to comply. Rather, as the Board itself has found, the City is promptly and diligently fulfilling the requirements of the Board's remand order.

Davidson and Continental assert that “the further alternatives analysis required by the Board is destined to become either a *post hoc* rationalization of a decision already reached or nothing but an academic exercise.” Opening Brief at 27.

This is pure speculation, as Davidson and Continental would have

to admit. In fact, nothing could be further from the truth. Well over \$100,000 is being spent to complete this alternatives analysis. Following the completion of the analysis, the supplemental EIS will be presented to the Planning Commission and to the City Council. It is anticipated that it will be fully considered before the City makes a decision on re-adopting or revising the Ordinances.

The purpose of SEPA will be fully implemented.

Davidson and Continental's appeal has no merit, and should be dismissed.

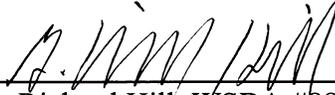
## **V. CONCLUSION**

Davidson and Continental's complaint is with the legislature, not with the GMHB. Davidson and Continental would have hoped that the legislature would have authorized the GMHB to invalidate ordinances adopted without full procedural compliance with SEPA, regardless of whether invalidation was necessary to protect the environment. However, RCW 36.70A.302 does not authorize the Board to afford the relief hoped for by Davidson and Continental.

Because the Board properly implemented the remedy authorized by RCW 36.70A.302, Davidson and Continental's appeal must be dismissed.

Respectfully submitted this 26<sup>th</sup> day of April, 2010.

McCULLOUGH HILL PS



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G. Richard Hill, WSBA #8806  
Attorneys for Respondent Touchstone

CITY OF KIRKLAND



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Robin Jenkinson, WSBA #10853  
Attorney for Respondent City of Kirkland

# APPENDIX A



## **APPENDIX B**

ORDINANCE NO. 4170

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

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend certain portions of the Comprehensive Plan for the City, Ordinance 3481 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated November 20, 2008, and bearing Kirkland Department of Planning and Community Development File No. ZON07-00016; and

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

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

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission; and

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

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

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

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

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in full force and effect five days from and after its passage by the City Council and publication pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council as required by law.

Section 4. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

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

SIGNED IN AUTHENTICATION THEREOF this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to Form:

\_\_\_\_\_  
City Attorney

Table T-6 State Routes

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

Table T-7 Signalized State Route Intersections

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

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

## A. VISION STATEMENT

Downtown Kirkland provides a strong sense of community identity for all of Kirkland. This identity is derived from Downtown's physical setting along the lakefront, its distinctive topography, and the human scale of existing development. This identity is reinforced in the minds of Kirklanders by Downtown's historic role as the cultural and civic heart of the community.

Future growth and development of the Downtown must recognize its unique identity, complement ongoing civic activities, clarify Downtown's natural physical setting, enhance the open space network, and add pedestrian amenities. These qualities will be encouraged by attracting economic development that emphasizes diversity and quality within a hometown setting of human scale.

## B. LAND USE

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***A critical mass of retail uses and services is essential to the economic vitality of the Downtown area.***

---

The Downtown area is appropriate for a wide variety of permitted uses. The area's economic vitality and identity as a commercial center will depend upon its ability to establish and retain a critical mass of retail uses and services, primarily located west of 3rd Street. If this objective is not reached, it relegates the Downtown to a weaker and narrower commercial focus (i.e., restaurant and offices only) and lessens the opportunities and reasons for Kirklanders to frequent the Downtown.

The enhancement of the area for retail and service businesses will best be served by concentrating such uses in the pedestrian core and shoreline districts and by encouraging a substantial increase in the amount of housing and office floor area either within or adjacent to the core. In implementing this land use concept as a part of Downtown's vision, care must be taken to respect and enhance the existing features, patterns, and opportunities discussed in the following plan sections on urban design, public facilities, and circulation.

---

***Land use districts in the Downtown area are identified in Figure C-3.***

---

Figure C3 identifies five land use districts within the Downtown area. The districts are structured according to natural constraints such as topographical change, the appropriateness of pedestrian and/or automobile-oriented uses within the district, and linkages with nearby residential neighborhoods and other commercial activity centers.

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### ***CORE AREA***

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***Pedestrian activity in the core area is to be enhanced.***

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The core area should be enhanced as the pedestrian heart of Downtown Kirkland. Land uses should be oriented to the pedestrian, both in terms of design and activity type. Appropriate uses include retail, restaurant, office, residential, cultural, and recreational.

Restaurants, delicatessens, and specialty retail shops, including fine apparel, gift shops, art galleries, import shops, and the like constitute the use mix and image contemplated in the Vision for Downtown. These uses provide visual interest and stimulate foot traffic and thereby provide opportunities for leisure time strolling along Downtown walkways for Kirklanders and visitors alike.

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

---

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

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

---

***The creation and enhancement of public open spaces is discussed.***

---

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

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

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

#### ***NORTHWEST CORE FRAME***

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

---

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

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

#### ***Northeast Core Frame***

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

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

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

#### ***EAST CORE FRAME***

---

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

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[REDACTED]

[REDACTED]

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

#### ***SOUTH CORE FRAME***

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

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

---

***Public parking may be provided in the South Core Frame.***

---

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

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

---

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

---

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

## C. URBAN DESIGN

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

The following discussion is organized into three sections:

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

### **DOWNTOWN DESIGN GUIDELINES AND DESIGN REVIEW**

*Mechanics of Design Review are described.*

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

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

### **BUILDING HEIGHT AND DESIGN DISTRICTS**

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

#### ***Design District 1***

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

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

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

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

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

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

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

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

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

### ***Design District 2***

---

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

---

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

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

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

#### ***Design Districts 3 and 7***

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

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

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

#### ***Design District 4***

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***Maximum building height to be four stories.***

---

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

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

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

#### ***Design District 5***

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

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Important downtown gateway along Central Way corresponds to the corner along the north side of street and facing Kirkland to provide a transitional scale to downtown's control of streetscape.

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

### ***Design District 6***

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

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

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

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

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

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

### ***Design District 8***

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

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

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

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

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

### **THE IMAGE OF THE CITY: URBAN DESIGN ASSETS**

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

#### ***Visual Landmarks***

***Lake Washington is a major landmark in Downtown Kirkland.***

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

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

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

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

#### ***Public Views***

---

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

---

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

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

#### ***Gateways***

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***Topographic changes define gateways into the Downtown area.***

---

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

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

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

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

### ***Pathways***

---

***An extensive network of pedestrian pathways covers the Downtown area.***

---

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

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



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

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

---

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

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

## D. PUBLIC FACILITIES

### OPEN SPACE/PARKS

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

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

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

---

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

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

### OTHER PUBLIC FACILITIES

[REDACTED]

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

---

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

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

## E. CIRCULATION

### **PEDESTRIAN**

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

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

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

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

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

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

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

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

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

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

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

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

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

### **VEHICULAR**

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

***Alternate traffic routes should be considered.***

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

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

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

---

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

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

### **PARKING**

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

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

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

---

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

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

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

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

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

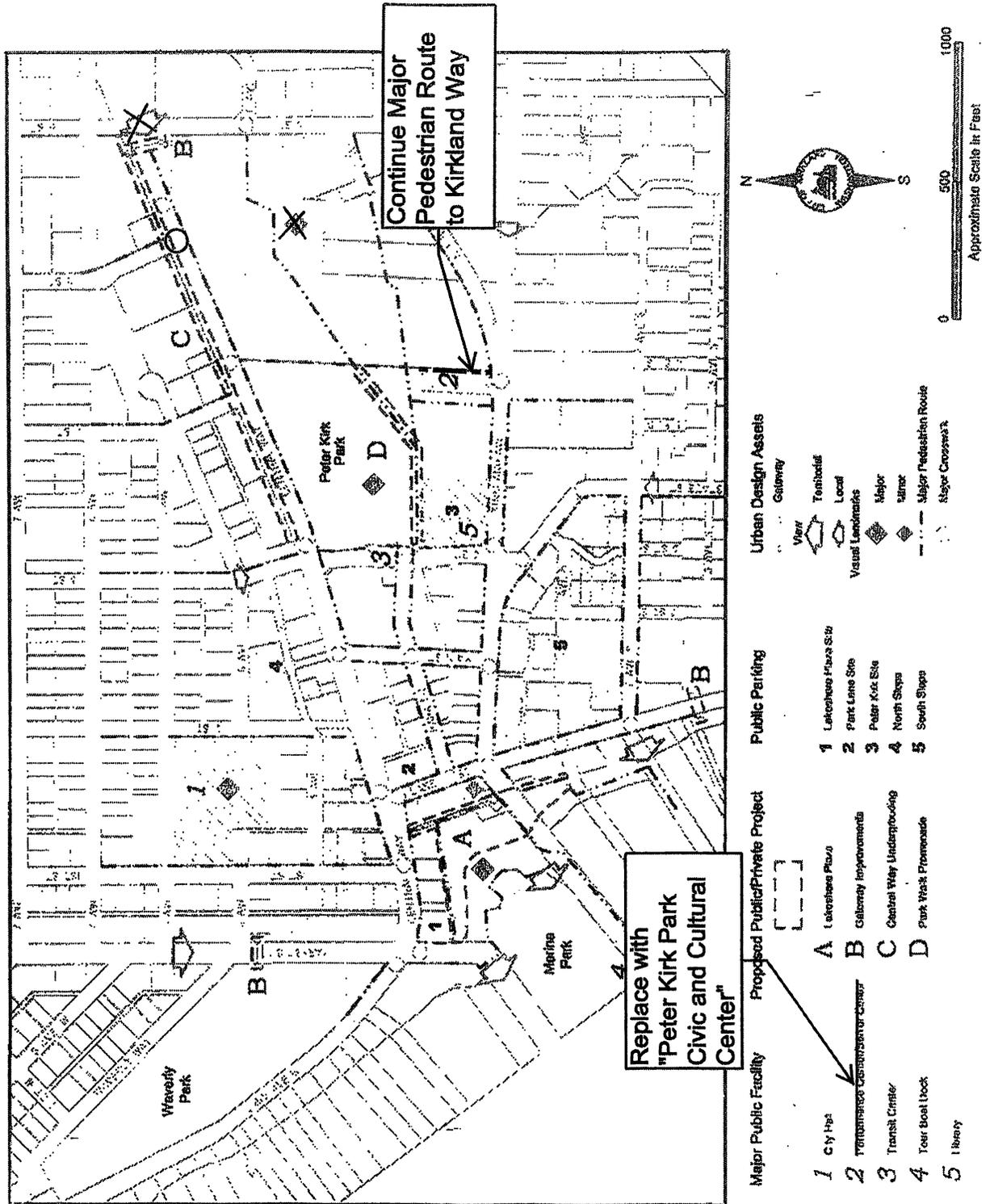
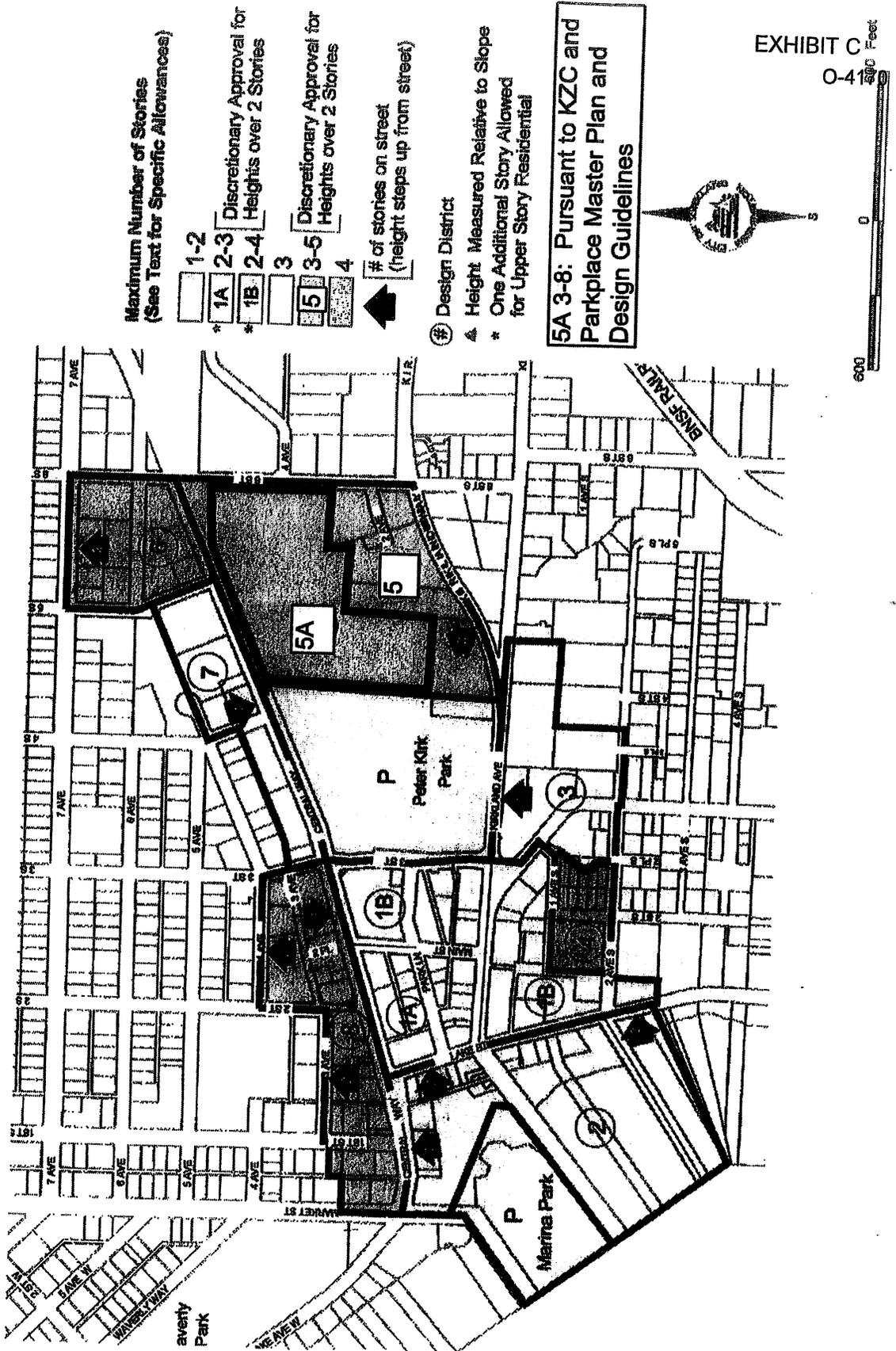


Figure C-4: Downtown Master Plan



**Figure C-5: Downtown Height and Design Districts**

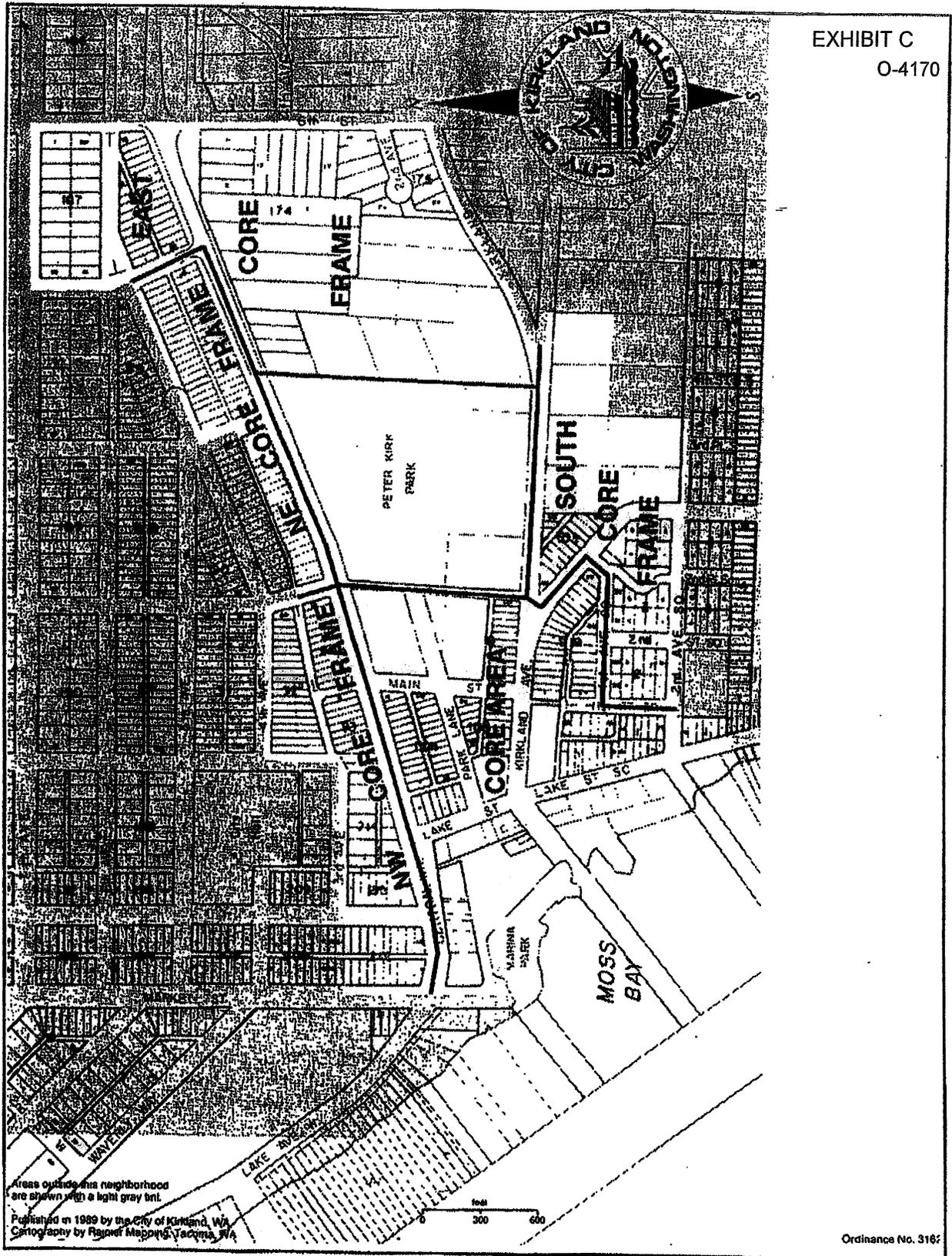
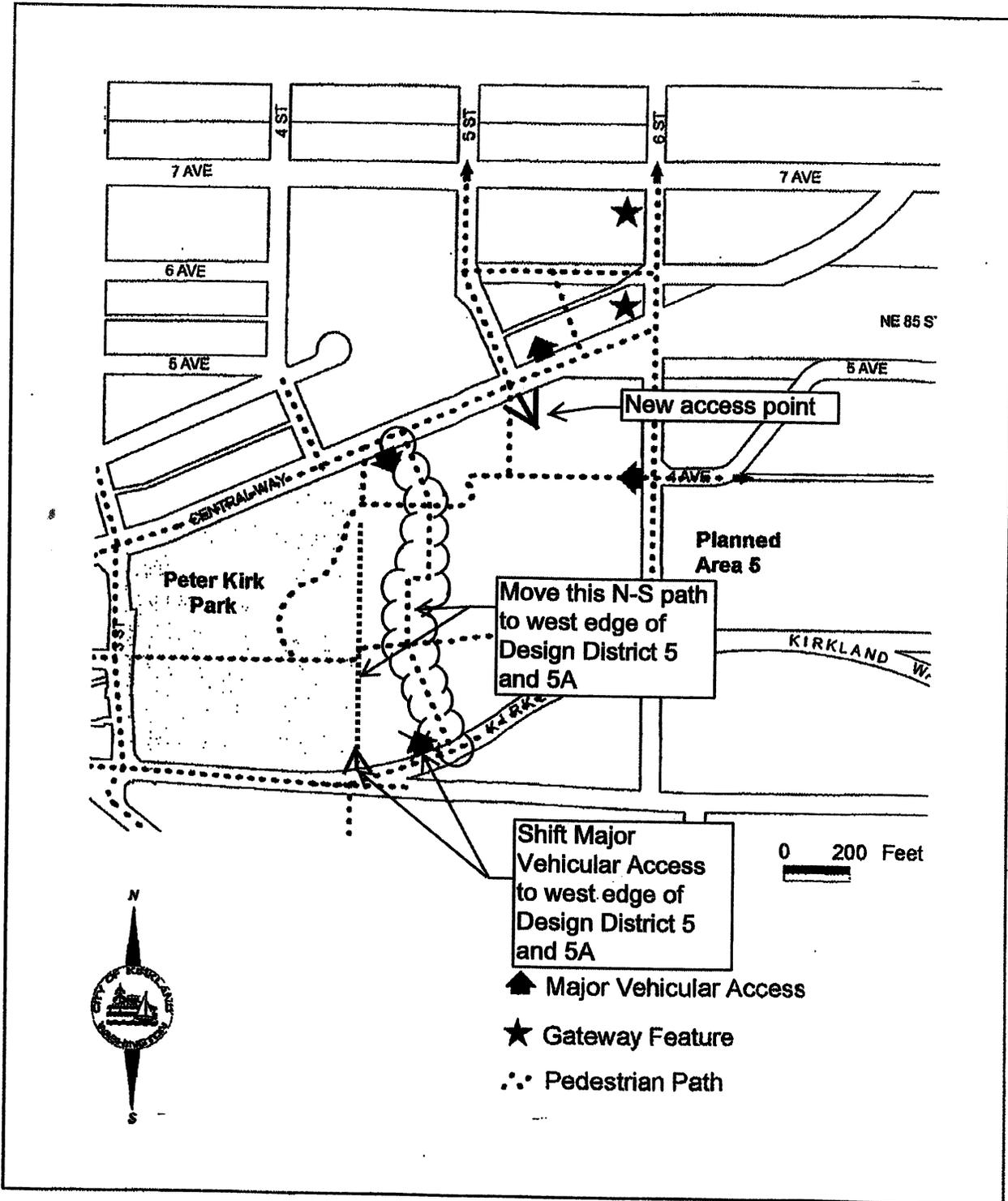


Figure C-3: Downtown Land Use Districts

XV.D. MOSS BAY NEIGHBORHOOD  
**3. DOWNTOWN PLAN**

EXHIBIT C  
 O-4170



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

PUBLICATION SUMMARY  
OF ORDINANCE NO. 4170

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

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

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

SECTION 2. Provides a severability clause for the ordinance.

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

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

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

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

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

ORDINANCE NO. 4171

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

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

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

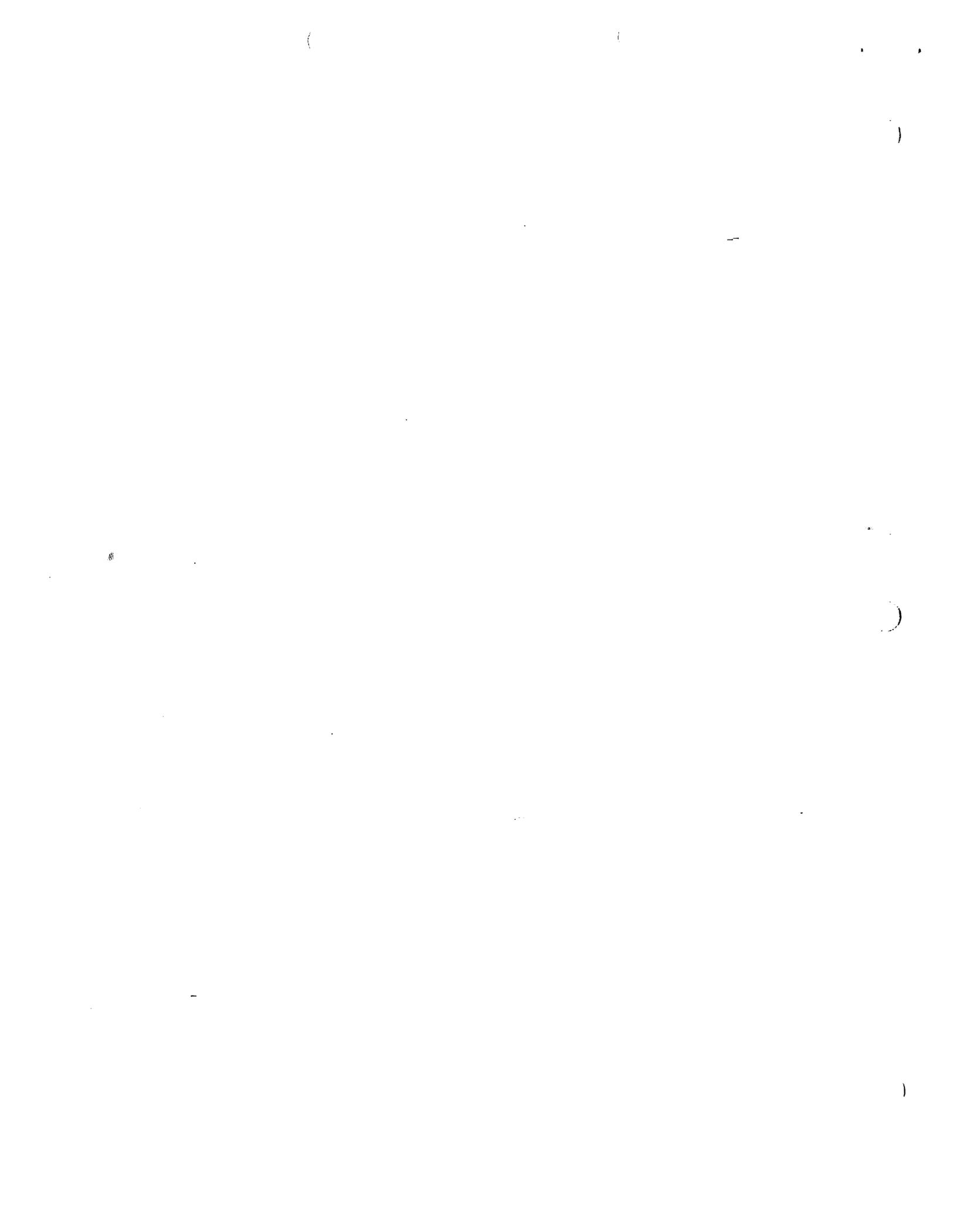
WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a Planned Action Environmental Impact Statement. The draft of which was issued on April 4, 2008 and the final of which was issued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

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission; and

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

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

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



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

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

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

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

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

Section 5. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

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

SIGNED IN AUTHENTICATION THEREOF this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to Form: \_\_\_\_\_

\_\_\_\_\_  
City Attorney

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

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#### Chapter 5 – Definitions

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

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##### 50.60 Special Parking Provisions in the CBD 1, 2, and 8 Zones

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

### 1.05 How To Use This Code

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

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

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

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

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

Uses and activities that fall under the definition of "adult entertainment use or activity" are not permitted except as allowed in Chapter 72 KZC.

## Chapter 5 – DEFINITIONS

Sections:

5.05 User Guide

5.10 Definitions

### 5.05 User Guide

The definitions in this chapter apply for this code.

### 5.10 Definitions

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

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

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

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

**Add CBD-5A to the chart below.**

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

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

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

**CBD 5A USE ZONE CHART**

**KZC 50.38.A User Guide.** The charts in KZC 50.38.C contain the basic zoning regulations that apply in the CBD 5A zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section 50.38.B - GENERAL REGULATIONS**

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.

**USE ZONE CHART**

**Section 50.38.C**

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

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

Minimums:

Lot Size: None

Required Yards: see Plate X-1.

Maximums:

Lot Coverage: 100%.

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

Landscape Category: None

Sign Category: E. See Special Regulation 6.

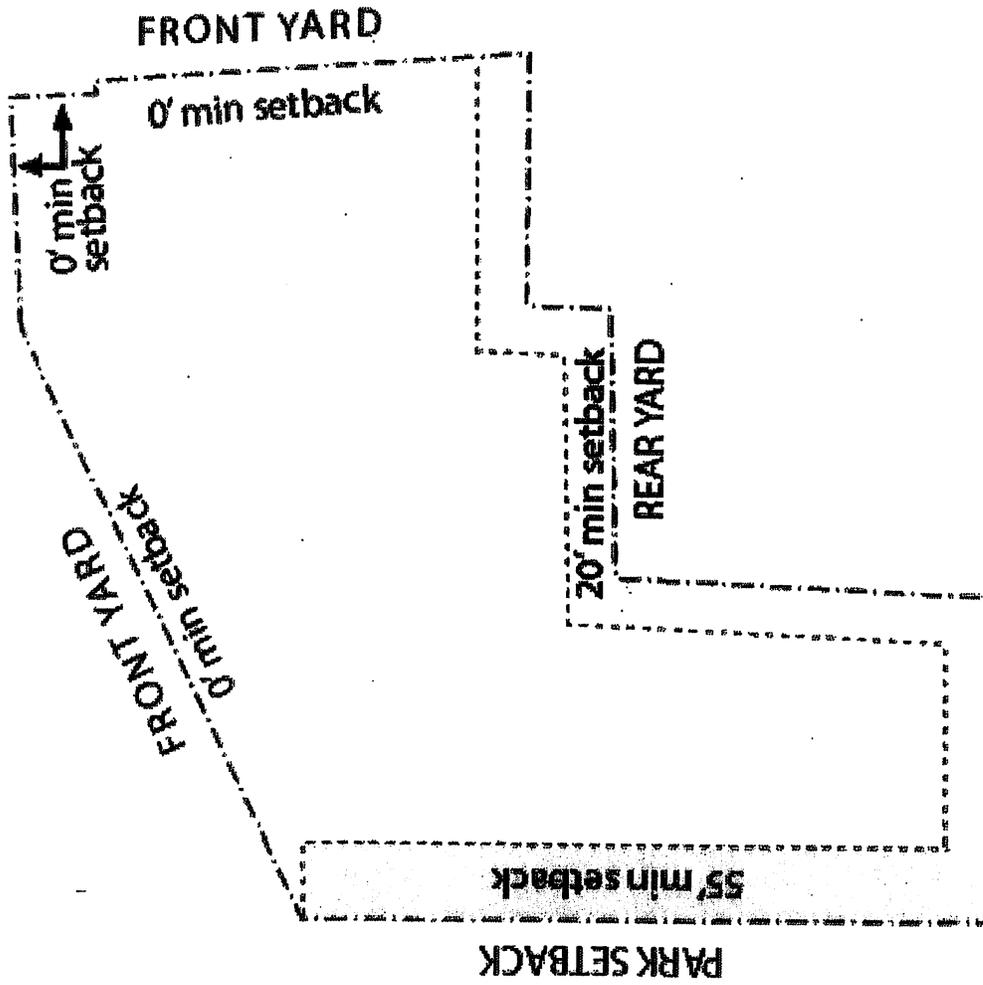
Required Parking: See Special Regulation 7.

**Special Regulations:**

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

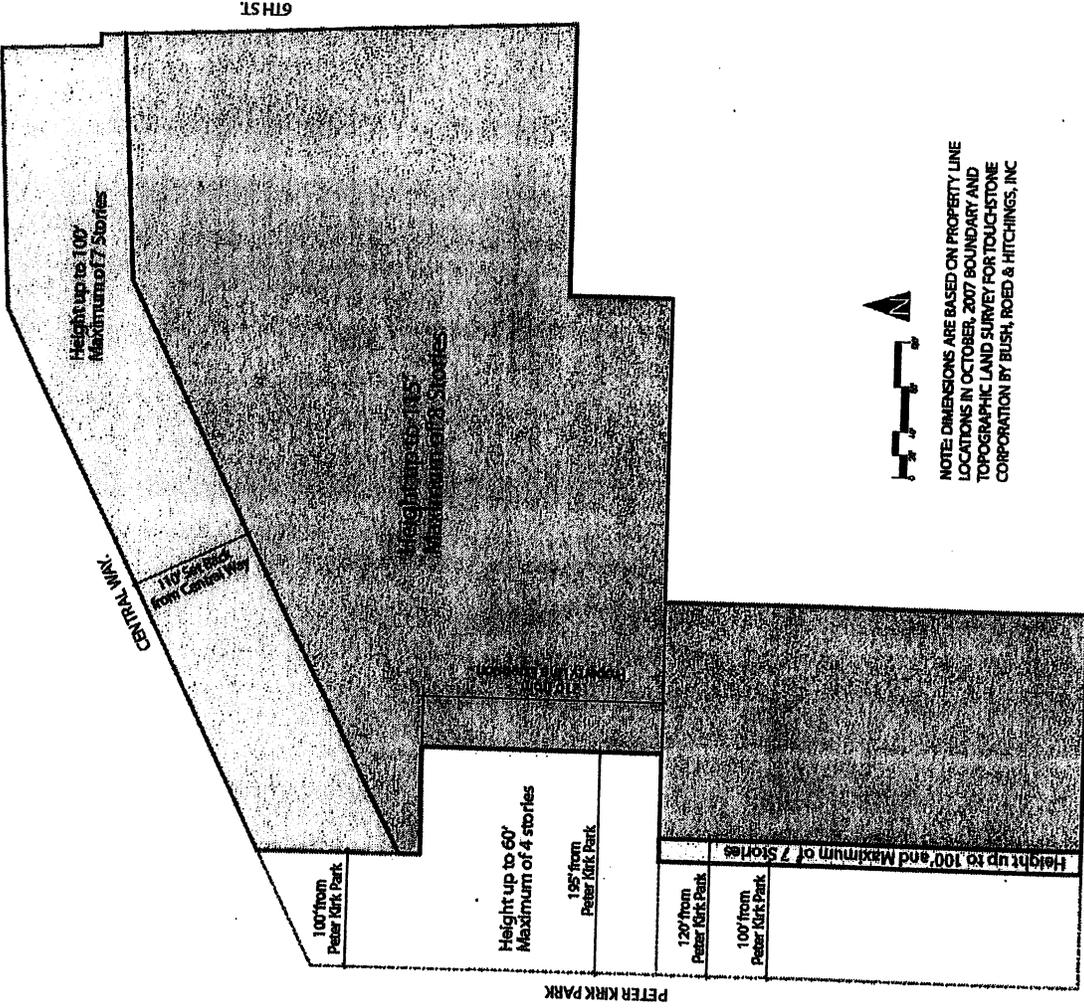
A mix of uses with different peak parking times makes a project eligible for applying a shared parking methodology to parking calculations. Further parking reductions may be appropriate through a transportation management plan (TMP) and parking management measures. The development may propose and the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

Plate X-1  
CBD 5A Required Yards



# Plate X-2A CBD 5A Maximum Building Heights

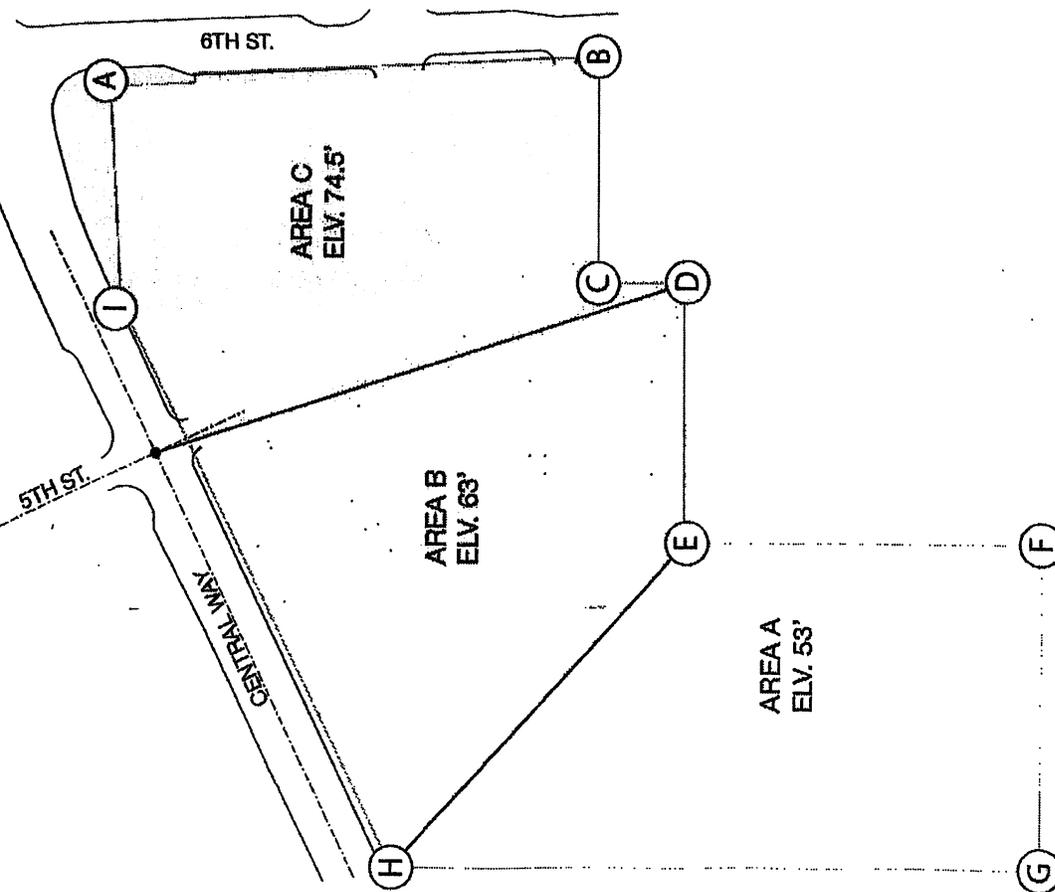
Building height and story maximums shall be measured from elevations points established by Plate X-2B



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

Plate X-2B

# CBD 5A Maximum Building Height and Stories Measurement Points



## Building Height & Number of Stories: Measurement Points

### GENERAL NOTES:

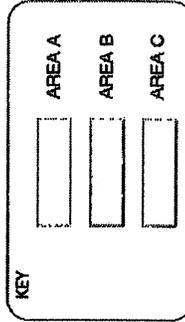
1. Where a minimum of 75% of the Gross Floor Area of a building is located in area "A", the Building Measuring Point will be elevation 53.0 feet above sea level
2. Where a minimum of 75% of the Gross Floor Area of a building is located in area "B", the Building Measuring Point will be elevation 63.0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

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

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

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

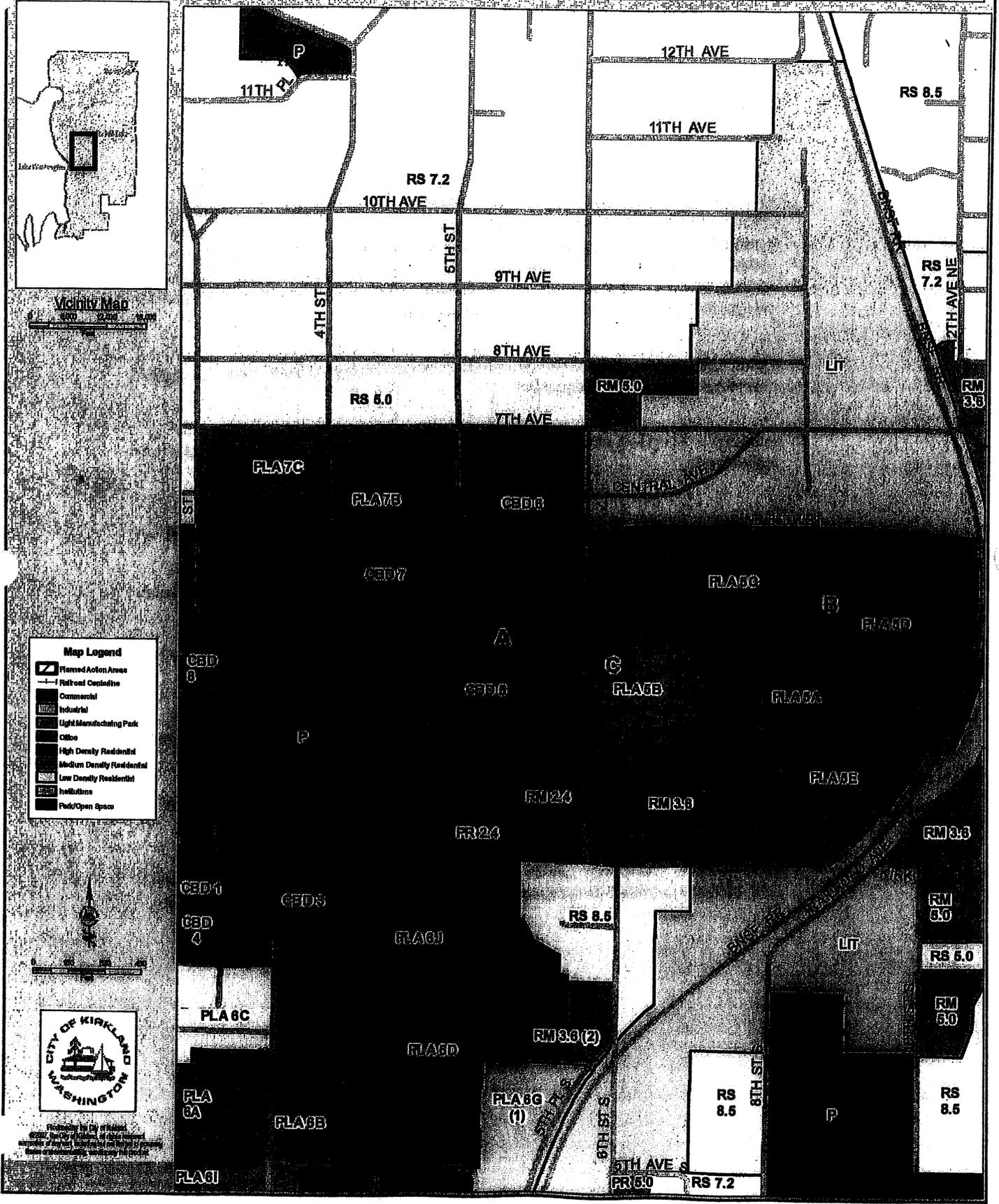
note: Based on the Boundary and Topographic Survey for Park Place Center by Bush, Roed & Hitchings, INC., dated October 2007



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

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

# Current Zoning



PUBLICATION SUMMARY  
OF ORDINANCE NO. 4171

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

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

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

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

SECTION 3. Provides a severability clause for the ordinance.

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

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

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

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

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

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ORDINANCE NO. 4172

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING AND LAND USE AND AMENDING TITLE 3 OF THE KIRKLAND MUNICIPAL CODE, CHAPTER 3.30 DESIGN REVIEW BOARD, TO INCLUDE "KIRKLAND PARKPLACE MIXED USE DEVELOPMENT MASTER PLAN AND DESIGN GUIDELINES," AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00016.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend Title 3 of the Municipal Code, as set forth in that certain report and recommendation of the Planning Commission dated November 20, 2008 and bearing Kirkland Department of Planning and Community Development File No. ZON07-00016; and

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

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

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission; and

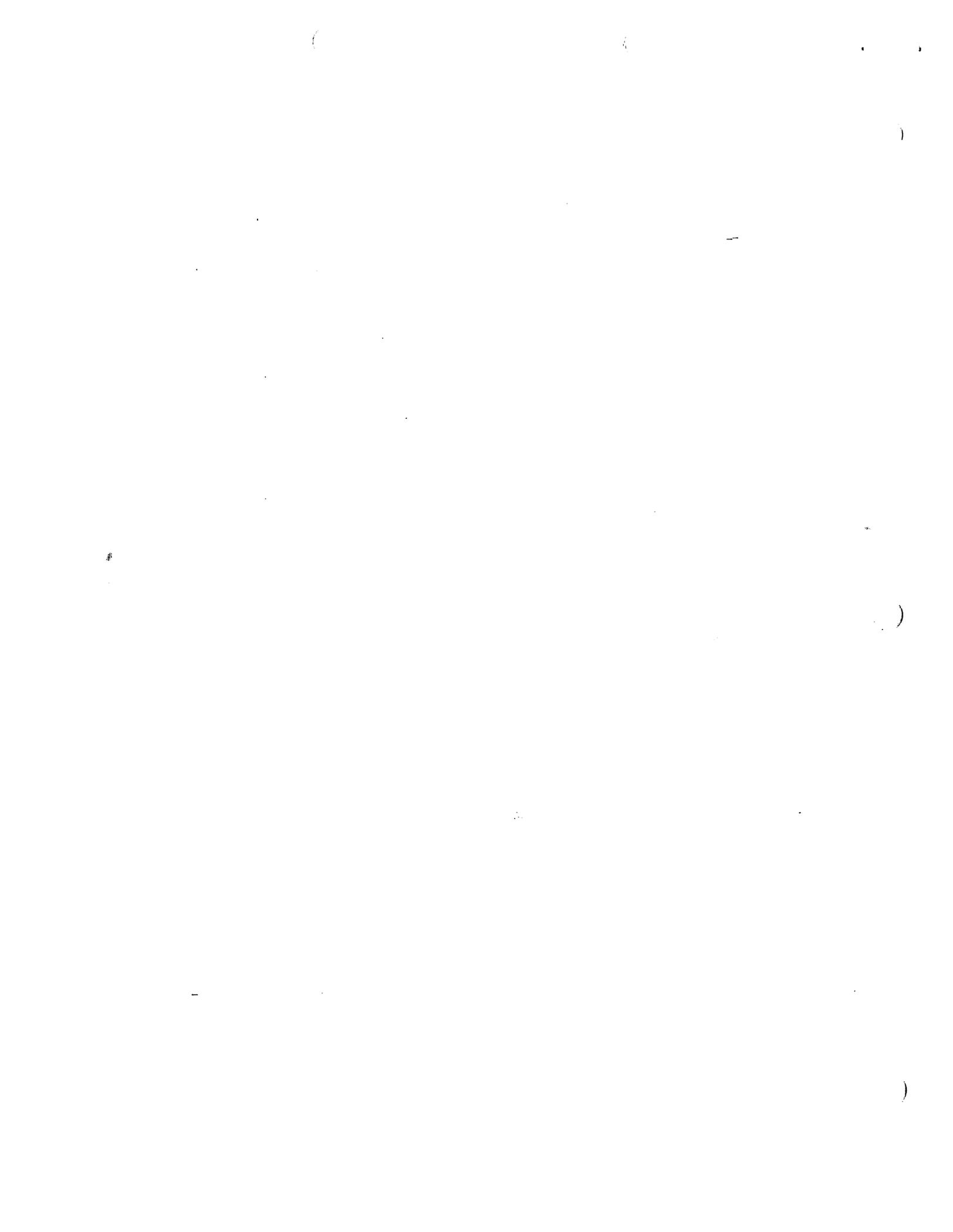
NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. The following specific portion of the Municipal Code is hereby amended to read as follows:

- A. Section 3.30.040. Design guidelines adopted by reference:  
Addition of "Kirkland Parkplace Mixed Use Development Master Plan and Design Guidelines" as set forth in **Exhibit A** attached to this ordinance and incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in full force and effect five days from and after its passage by the City Council and publication pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original



of this ordinance and by this reference approved by the City Council as required by law.

Section 4. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

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

SIGNED IN AUTHENTICATION THEREOF this \_\_\_\_\_ day of \_\_\_\_\_, 2008:

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to Form:

\_\_\_\_\_  
City Attorney

## 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)

# KIRKLAND PARKPLACE

## MIXED USE DEVELOPMENT

### Master Plan and Design Guidelines

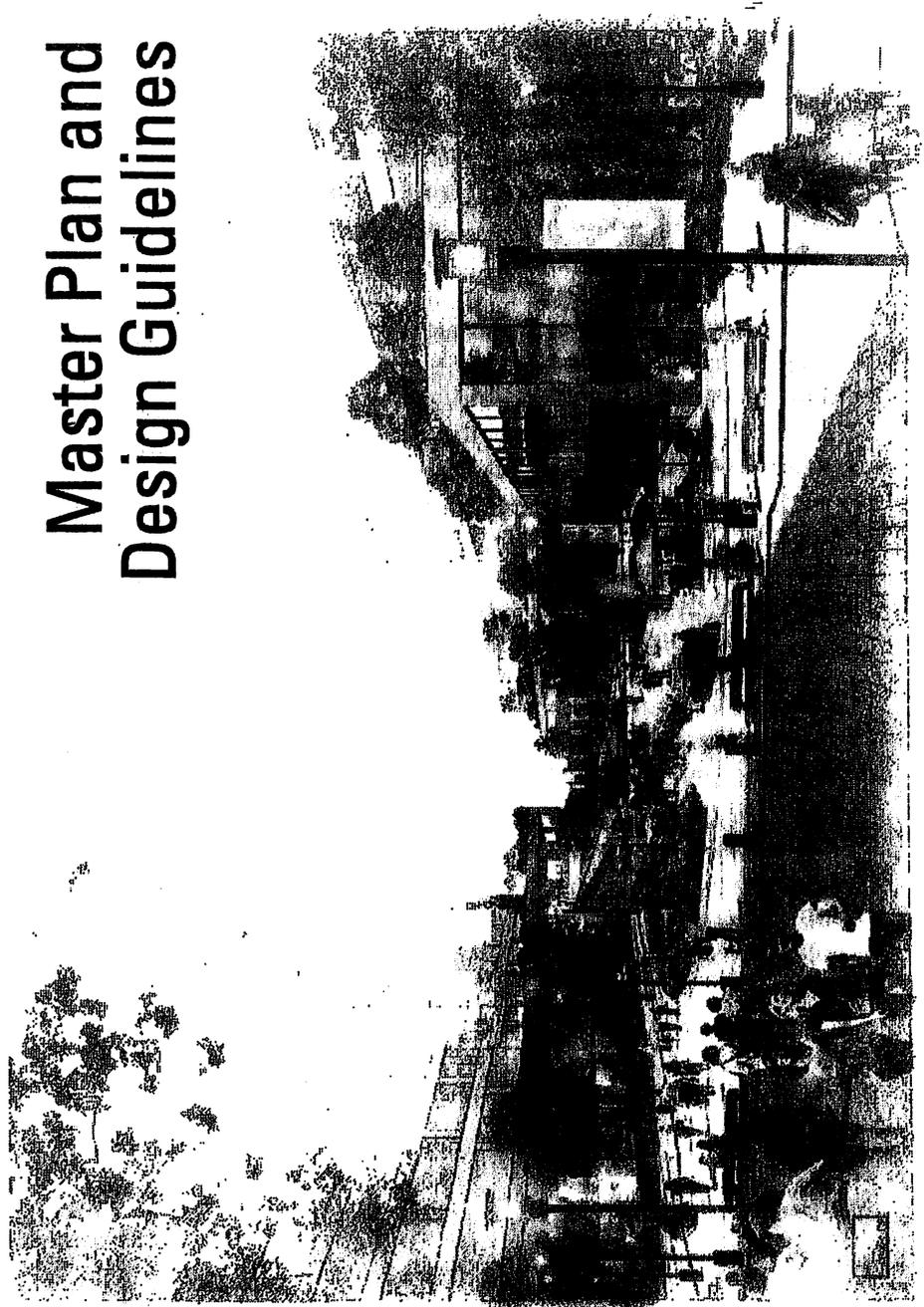
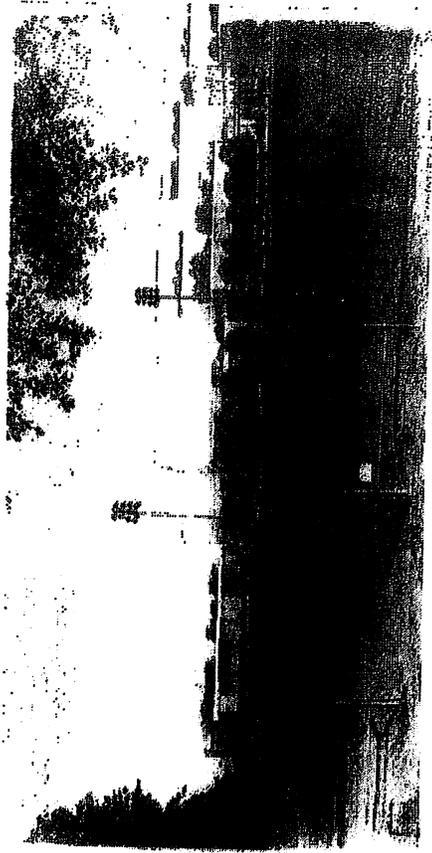


EXHIBIT A

O-4172



### Master Plan Organization

This document is comprised of the following sections:

1. Introduction
2. Vision
3. Application
4. Determining Compliance
5. Modifications
6. Phasing
7. Comprehensive Plan Design Direction
8. Design Intent
9. Program Requirements
10. Public Access and Amenities
  - a. Pedestrian Access
  - b. Retail Frontages
  - c. Adjuncted Open Space
11. Street Classifications

DEVELOPMENT  
STANDARDS

## 1. INTRODUCTION

Located along Central Way and 6th Street, Kirkland Parkplace has the potential to offer many great amenities to Kirkland's downtown. The proposed mixed-use center includes approximately 1.75 million square feet of development consisting of retail, office, hotel and sports club that are, in effect, an extension of the existing downtown. Parkplace provides components that meet the City's Comprehensive Plan, East Core Frame (2004, 2008) as described below.

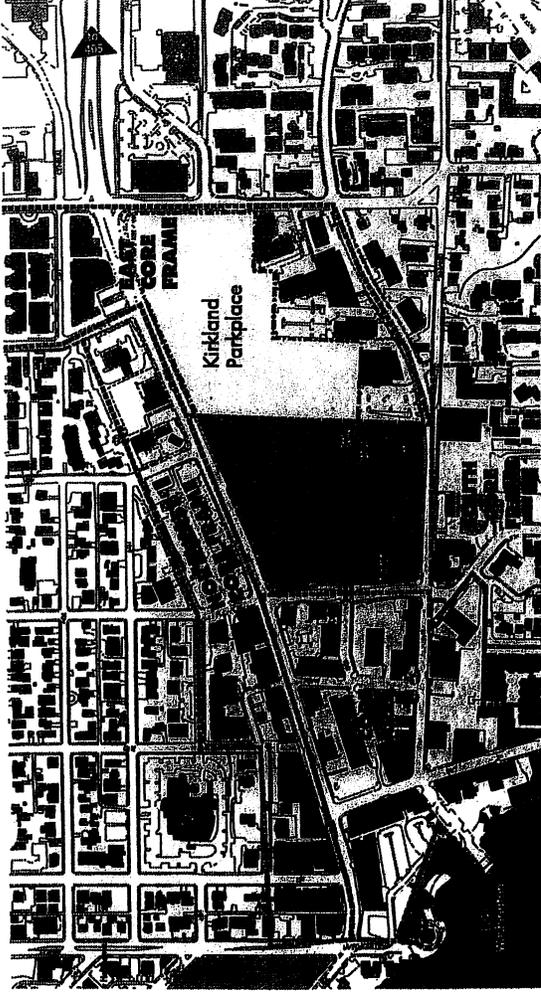
**CP Policy:** *Heights of up to eight stories are appropriate as an incentive to create a network of public open spaces around which is organized a dynamic retail destination.*

**Response:** Parkplace is an urban, open-air retail, restaurant, entertainment, office, hotel and sports club complex. (See page 7 for networks of open space, retail frontage and pedestrian connections.)

**CP Policy:** *Special attention to building design, size, and location should be provided at three key locations: at the intersection of Central Way and Sixth Street to define and enhance this important downtown gateway; along Central Way to respond to the context along the north side of street; and facing Peter Kirk Park to provide a transition in scale to downtown's central greenspace. Pedestrian connections to adjoining streets, Peter Kirk Park, and adjoining developments should be incorporated to facilitate the integration of the district into the neighborhood.*

**Response:** Specific design guidelines have been defined to encourage unique environments and experiences in each of these three locations.

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



**Response:** The compact development, pedestrian-friendly, mixed-use nature of the land use in 5A is fundamentally sustainable. It provides a live-work balance in downtown Kirkland and provides access to goods and services people need in proximity to where they live. Combined with a commitment to sustainable strategies in the design of the development, Kirkland Parkplace will significantly contribute to lowering carbon emissions and energy use relative to a suburban model of development.

## 2. VISION

Parkplace creates a new destination in Kirkland featuring tree lined streets, landscaped open spaces, offices overlooking public plazas, and a wide variety of shopping, dining, entertainment and recreation experiences. Parkplace's contemporary Northwest architecture evokes Kirkland and its environs with green design, appropriate massing, and orientation. Appropriate placement of trees, fountains, benches, street lamps, and decorative sidewalk treatments add a rich texture to Parkplace's plazas and streets.

The combination of pedestrian oriented streets, distinctive architecture, unique urban character, sensitive integration and progressive sustainable design strategies will make Kirkland Parkplace an attractive and valued gathering place for Kirkland's citizens for years to come.

### 3. APPLICATION

The Master Plan and Design Guidelines set forth in this document have been created to guide the development of Kirkland Parkplace to meet the intent of the vision for CBD-5A of the City of Kirkland. Compliance with this Master Plan and Design Guidelines document shall be required to allow increased height and reduced setbacks in exchange for providing a mixed-use center and public amenities. These Standards and Guidelines are to be used in addition to the standard zoning regulations for CBD-5A. These Standards and Guidelines are supplemental, not a substitution, to the City of Kirkland Municipal Code and its supporting documents.

### 4. REVIEW PROCESS: DETERMINING COMPLIANCE

This document establishes performance criteria and provides recommendations for achieving specific design objectives. Compliance with the Master Plan including: general standards, general public amenity and access locations and street dimensional requirements shall be determined by administrative review. Compliance and consistency with the Design Guidelines shall be determined by the Design Review Board in a Design Response conference, (refer to DRB process KMC 142.35.9). In the DRB's review of the project, the Board shall respect the requirements and commitments established in this Master Plan.

### 5. MODIFICATIONS

A major modification to the Master Plan is any proposal that would result in a change that would substantially alter the Plan's proposed development such as: decrease in open space quantity, changes to locations of primary access/pedestrian streets, or changes in allowed use. Major modifications to the Master Plan shall require a staff review for consistency with the Comprehensive Plan and City Council Approval, (refer to KMC 3.30.040).

A minor modification to the Master Plan is any proposal that would result in a change that would not substantially alter the Plan's proposed development such as: facade treatments, street design variation, character/design detail of public spaces, or minor variations in design of sidewalks, pathways, lighting and landscaping. The Design Review Board may grant a design departure or minor variation only if it finds that both of the following requirements are met:

- a. the variation is consistent with the intent of the guideline and results in superior design.
- b. the departure will not result in any substantial detrimental effect on nearby properties or the neighborhood.

### 6. PHASING

This development shall be staged in two major phases (1 and 2) with two minor stages in phase one (1A and 1B).

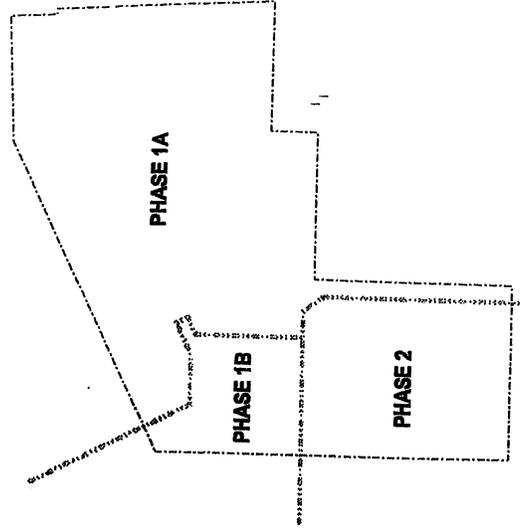


EXHIBIT A

O-4172

FINAL

Kirkland Parkplace Master Plan and Design Guidelines

#### Section

#### Review Process

#### Development Standards

- Program Requirements (Item 9)
- Public Amenities and Access (Item 10)
- Street Classifications (Item 11)

#### Planning Official

#### Design Guidelines

- All Districts (Item 12)
- District Specific (Item 13)

#### Design Review Board

## 8. DESIGN INTENT

This Master Plan and Design Guidelines document was created using the identified 8 Guiding Principles for the project which were derived from input from the City staff, the Design Review Board, Planning Commission, various community groups and the residents of Kirkland.

## GUIDING PRINCIPLES OF INTENT

1. Emotional Ownership by the Community
  - Incorporate the project into the story of Kirkland
  - Enable meaningful community exchanges
  - Inspire unique experiences and discoveries
  - Promote the coalescence of Community, Culture and Commerce
  - Provide a 'transforming experience' vs. a 'transaction experience'
  - Include neighborhood retail
2. Site Planning "Connections"
  - Include public spaces such as plazas
  - Create clear vehicular access and parking
  - Create strong emphasis on the streetscape
  - Support active public spaces
  - Provide clear and inviting public access
3. Places for People
  - Create easily accessible public spaces
  - Develop spaces that vary in size and offer choices for all ages
  - Provide safety and comfort
  - Integrate into the social life of downtown Kirkland
4. Enhance the Pedestrian Environment
  - Promote Walkability: network of internal and external pedestrian connections
  - Create visual interest for along the street
  - Incorporate rich variety of materials
  - Provide and enhance pedestrian circulation and retail continuity
5. Integrate Vehicular Access and Parking
  - Minimize the visual presence of parked cars
  - Allow parking to be utilized during nights/weekends for benefit of community and downtown
6. A Mix of Uses = A mix of Building Types
  - Create a variety of building types, scales, and materials
  - Express a three-dimensional quality to the public spaces
7. Appropriate Massing and Scale
  - Create pedestrian spaces with access to sun
  - Address surrounding edges
  - Consider scale, massing, and detail of individual buildings
  - Express human-scale, detailed street level building façades
8. Sustainability
  - Establish macro-scale/site sustainable strategies
  - Pursue building specific sustainable strategies
  - Encourage tenant-specific sustainable strategies

## 9. Program Requirements

- A. Pedestrian Space:  
The development will include a variety of public open spaces that vary in size and character. A minimum of 10%, or 50,000 of the site shall be activated pedestrian-oriented space, in the form of courtyards, plazas, winter atrium, etc. See diagram (pg 7) for approximate locations and dimensional requirements of specific spaces. Definition of appropriate design treatments are found in the district specific design guidelines.
- B. Arts Commitment:  
In an effort to encourage integrated art into the project, Parkplace is working in collaboration with representatives from the cultural council and local art community and will identify and create opportunities to integrate art into the project.
- C. Green Building Commitment:  
1. The following requirements will apply to the Kirkland Parkplace project.
  - a. All office buildings will be designed to achieve a LEED-CS Gold threshold. A USGBC LEED Pre-Certification application showing points meeting LEED-CS Gold will be included with permit submittals to show which points will be pursued.
  - b. The hotel will be designed to a LEED-CS Certified or LEED-NC Certified threshold, or to meet the sustainability program of the hotel operator.
  - c. The applicant shall encourage all potential tenants for Kirkland Parkplace to pursue LEED-CI. To accomplish this, the applicant will create and distribute to tenants a set of Tenant Design Guidelines to show strategies tenants can use to achieve LEED-CI certification. These Tenant Design Guidelines will be made available to the City of Kirkland to inform their ongoing sustainability programs.
  - d. At the end of all tenant build-outs on the office, the applicant will prepare an executive summary for the City of Kirkland, outlining what sustainability measures were incorporated in the tenant build-outs (unless otherwise restricted by tenant confidentiality).
  - e. In addition, the applicant will strive to make design choices in its Core and Shell buildings that are conducive to the achievement of LEED-CI by tenants.

- 2. In the interest of promoting a holistic sustainability approach, The applicant will strive to integrate site-specific strategies identified as focus areas, such as:
  - a. Energy efficiency strategies, like centralized cooling options and heat recovery.
  - b. Low Impact Development (LID) strategies like stormwater planters, vegetated roofs, and bioswales.
  - c. Materials and Resource strategies, like recycled materials, regional materials, and FSC certified wood.
- D. Community Serving Retail and Services:  
Include neighborhood serving retail and services such as: grocery, childcare, bookstore, drugstore, dry cleaner, movie theatre, barbershop, shoe repair, etc.

**SITE AREA** 501,000 SQFT (100%)

### SITE AREA BREAKDOWN

BUILDING FOOTPRINT 245 K (49%)

OPEN SPACE 160 K (32%)

VEHICULAR AREA 96 K (19%)

### OPEN SPACE BREAKDOWN

SIDEWALKS 109 K (22% OF TOTAL SITE AREA)

PEDESTRIAN SPACE

PLAZAS 27 K (5%)

COURTYARD 24 K (5%)

PUBLIC/PRIVATE ROOF, ROOF TERRACE, TERRACE

10 K 10 K

### BUILDING GROSS SQUARE FOOTAGE BREAKDOWN

OFFICE

RETAIL

HOTEL

OFFICE SPACE 1.2 MIL SQFT 68%

MIX USE 550K SQFT 32%

EXHIBIT A  
Q-4172

FINAL

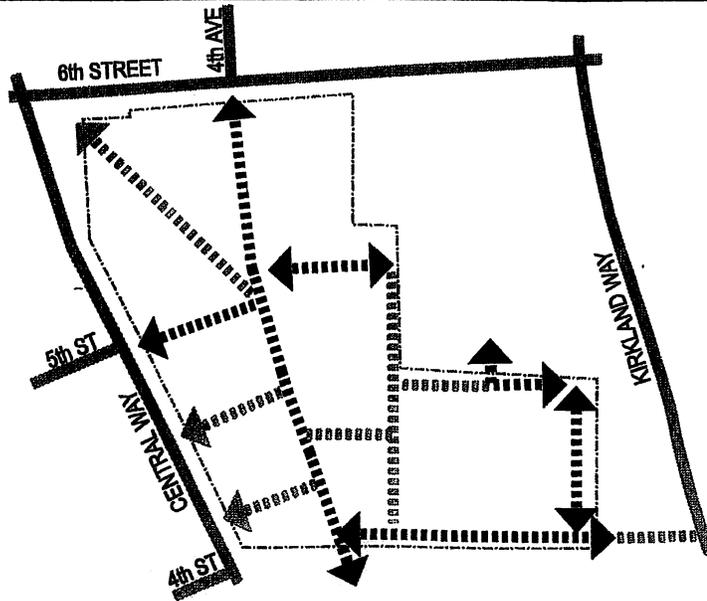
# 10. PUBLIC AMENITIES AND ACCESS

## PEDESTRIAN CONNECTIONS

*Intent: To create a network of identifiable linkages into and through the project site for pedestrians.*

The diagram below shows approximate pedestrian connections. Darker lines indicate primary connections required by the Comprehensive Plan. Lighter lines show secondary pedestrian connections linking to existing and proposed streets as well as Peter Kirk Park.

- primary pedestrian connections
- secondary pedestrian connections



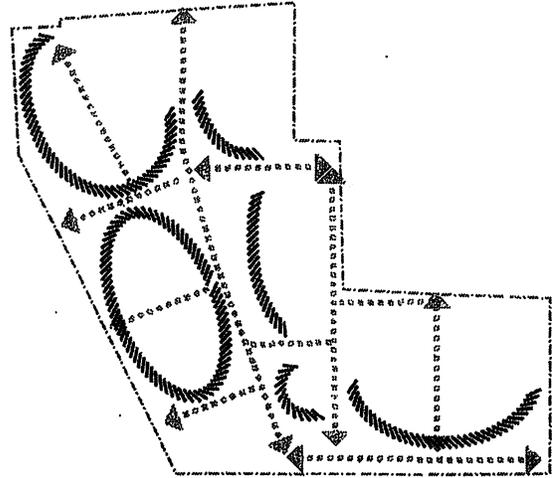
Kirkland Parkplace Master Plan and Design Guidelines

## RETAIL/RESTAURANT FRONTAGE

*Intent: To encourage and contribute to the liveliness and activation of pedestrian-oriented streets and spaces by providing retail and activating uses at the ground level.*

Predominant retail uses including shops, restaurants, grocery, and a movie theatre are required along pedestrian-oriented streets and public spaces. Additional activating uses are encouraged on the ground level throughout the development where feasible.

retail/restaurant frontage



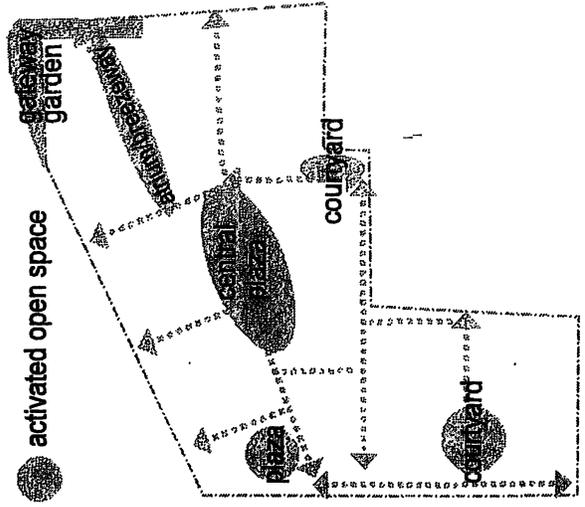
## PEDESTRIAN SPACE

*Intent: To provide a functional and diverse pedestrian environment by creating a variety of usable pedestrian open spaces.*

The following types of public/ pedestrian space are to be provided at a minimum of 10% of the total lot area, or 50,000 sq ft. Locations are approximate and not limited to those shown on the diagram below.\*

- central plaza: shall have a minimum area of 15,000 square feet with a minimum average width of 70 feet
- courtyard/plaza: shall have a minimum area of 2,500 square feet each
- atrium/breezeway: shall have a minimum 35 foot wide separation between office floor plates
- roof top terraces: shall provide a minimum of 10,000 sq ft total of publicly accessible rooftop terraces in one or more locations

\*See district specific guidelines for design parameters of public space (ex. central plaza, pg 27).



**11. STREET CLASSIFICATION**

*Intent: To create a street and sidewalk network that responds to the existing Kirkland grid pattern, creates a pedestrian oriented environment and allows direct interaction with Peter Kirk Park.*



Central Way  
6th Street



- A.1 Central and 5th Street Connection
- A.2 6th Street and 4th Avenue Connection
- A.3 6th Street access to service alley (minor)
- A.4 Central Way and 4th Street Connection



- P.1 Main Street
- P.2 Park Promenade



- C.1 Service Alley/Park Promenade
- C.2 Service Alley /Main Street Connection
- C.3 Main Street/C.1 Connection (ped only)
- C.4 Central Way Mid-Block Connection (right in, right out)

The following street classifications and diagrams represent the various types of streets anticipated in the project. Final location and classification of streets may be adjusted in the final design to include such design techniques as: tight turning radii to calm traffic, curb bulb outs, textured crossings, etc. Access shall be in compliance with city codes and policies for public improvements and emergency access.

**STREET CLASSIFICATION DIAGRAM**

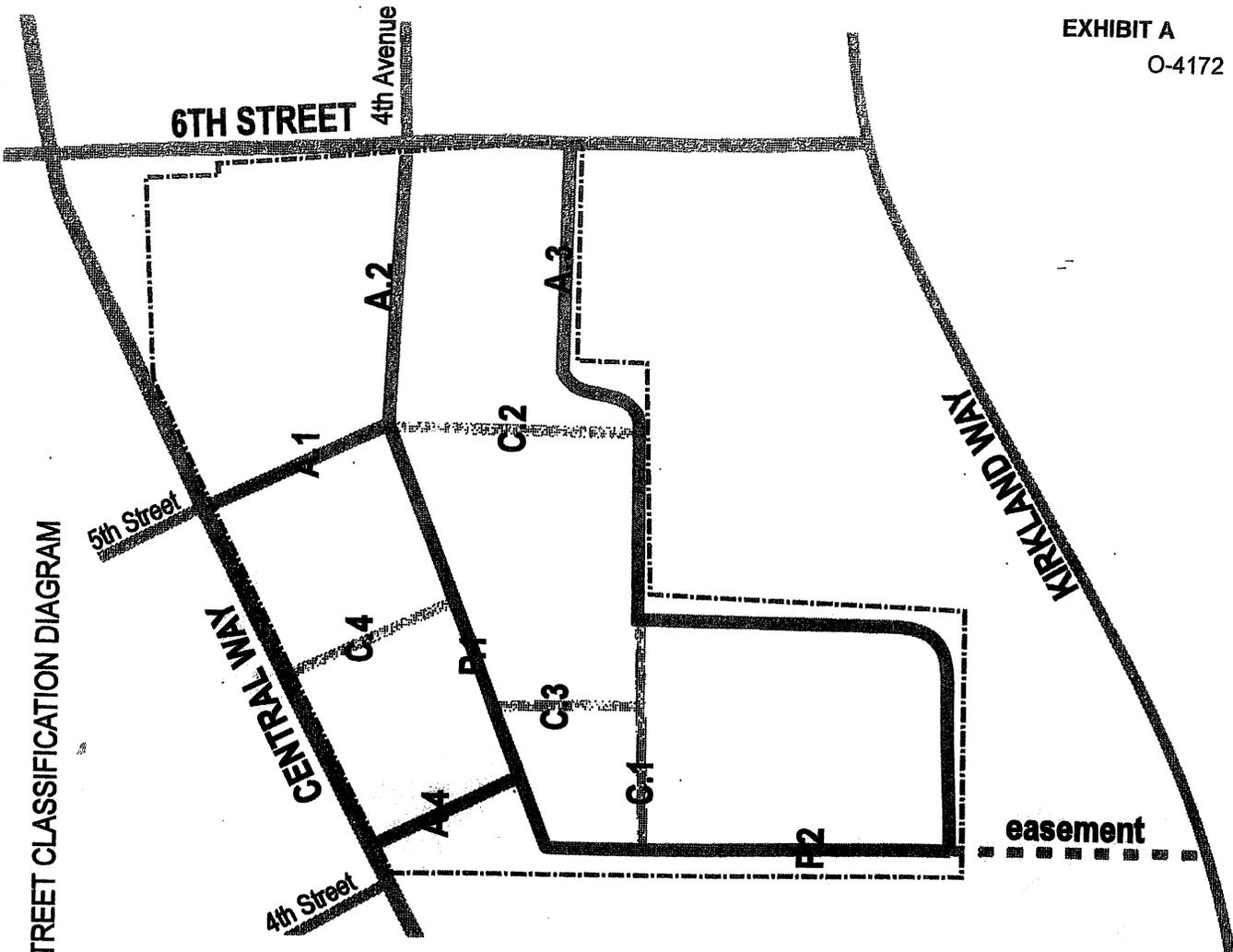
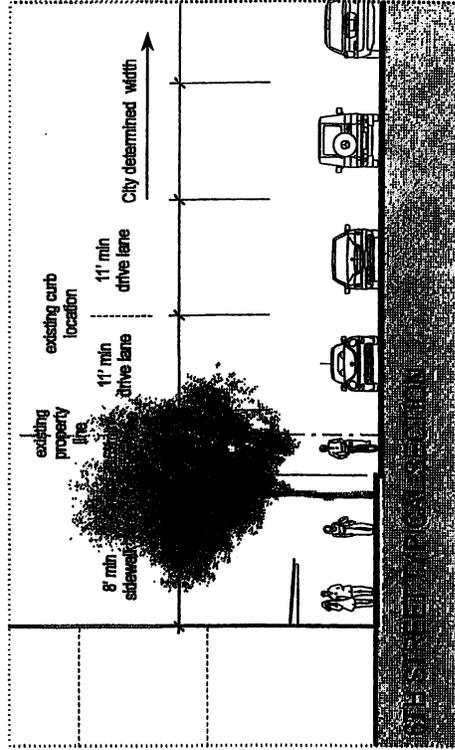
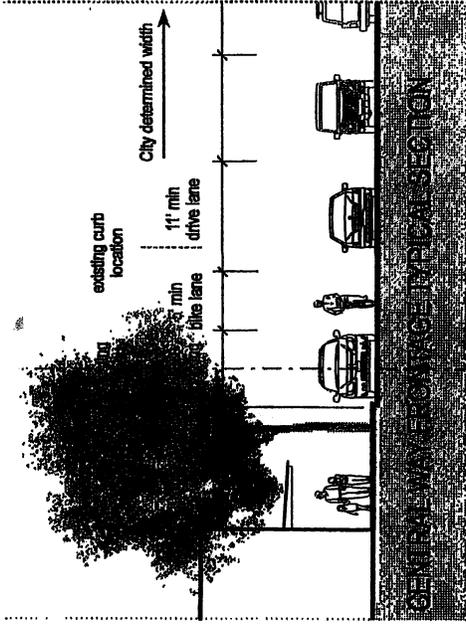
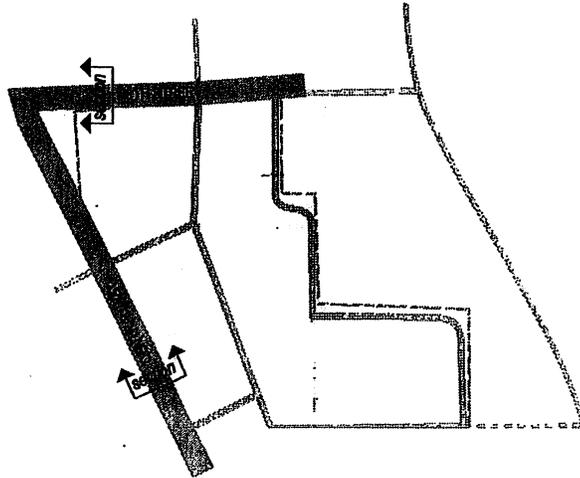


EXHIBIT A  
O-4172

# 11. STREET CLASSIFICATION

Central Way  
6th Street

Street classifications are meant to be typical sections of the roadway. Slight variations may be necessary to accommodate driveways, varied landscaping techniques, street furniture, structural constraints, etc.



11. STREET CLASSIFICATION

- A.1 Central and 5th Street Connection
- A.2 6th Street and 4th Avenue Connection

Street classifications are meant to be typical sections of the roadway. Slight variations may be necessary to accommodate driveways, varied landscaping techniques, street furniture, structural constraints, etc.

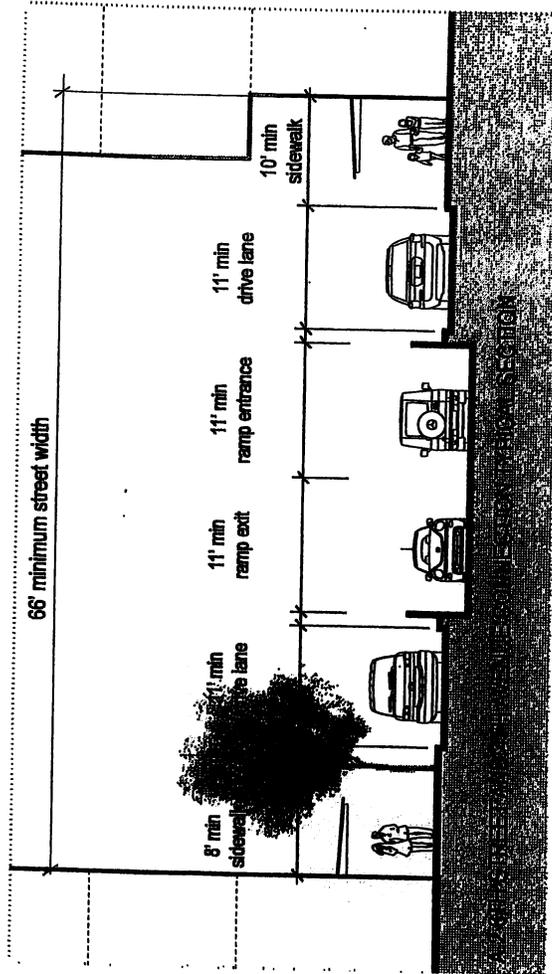
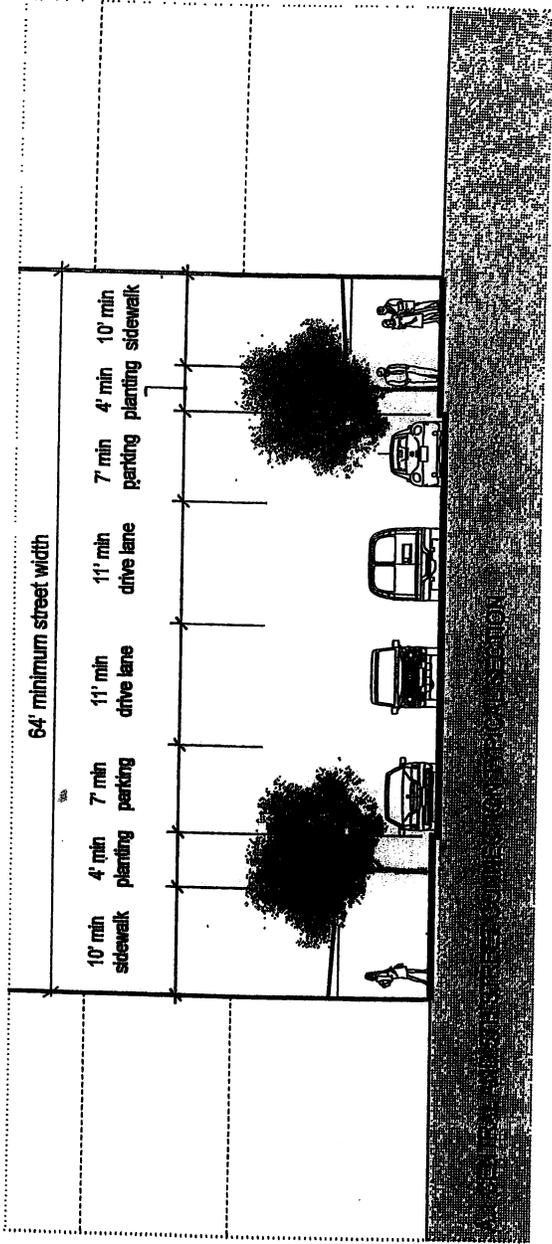
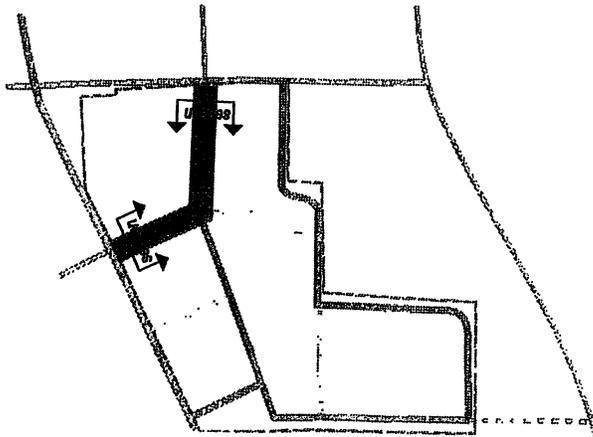


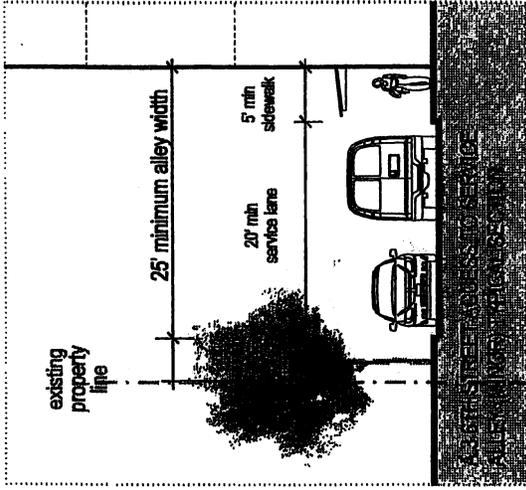
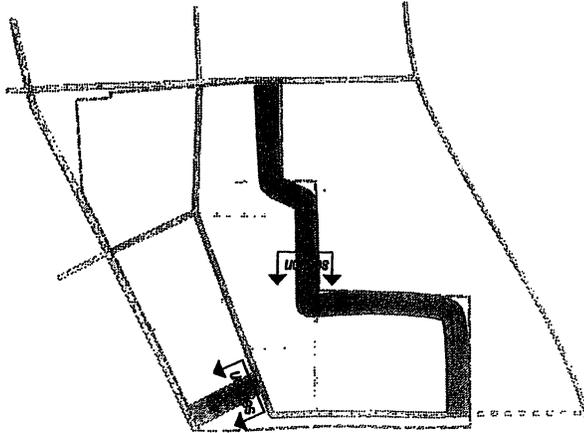
EXHIBIT A  
O-4172

FINAL

## 11. STREET CLASSIFICATION

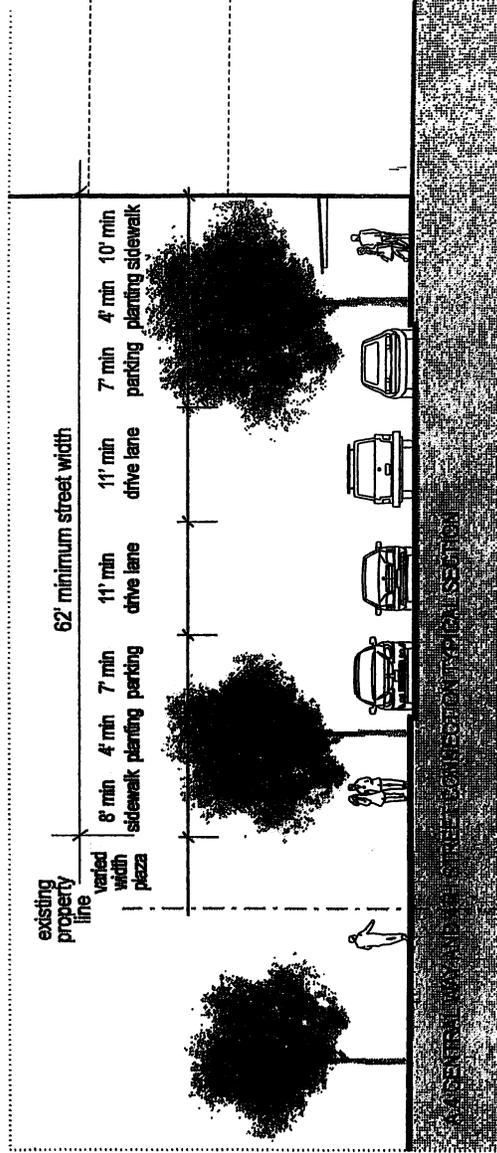
- A.3 6th Street access to service alley (minor)
- A.4 Central Way and 4th Street Connection

Street classifications are meant to be typical sections of the roadway. Slight variations may be necessary to accommodate driveways, varied landscaping techniques, street furniture, structural constraints, etc.



\* a landscape or architectural screen should be incorporated along south east property line to buffer property from the adjacent the residential use, (see design guideline on page 27 for exact location).

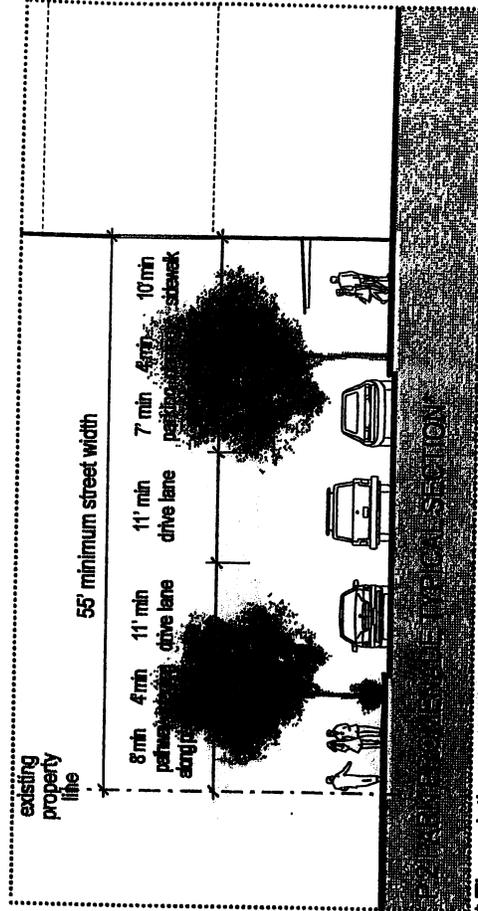
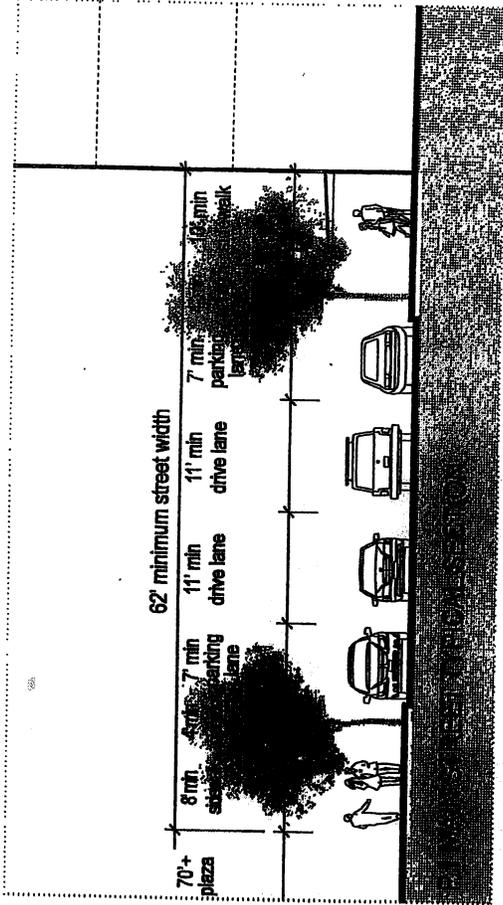
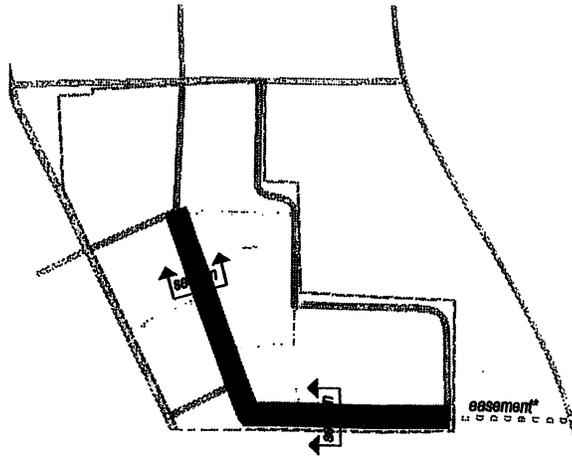
\*\* an 8' pedestrian path is required along the established pedestrian connections on the southeast portion of the street.



## 11. STREET CLASSIFICATION

- P.1 Main Street
- P.2 Park Promenade

Street classifications are meant to be typical sections of the roadway. Slight variations may be necessary to accommodate driveways, varied landscaping techniques, street furniture, structural constraints, etc.



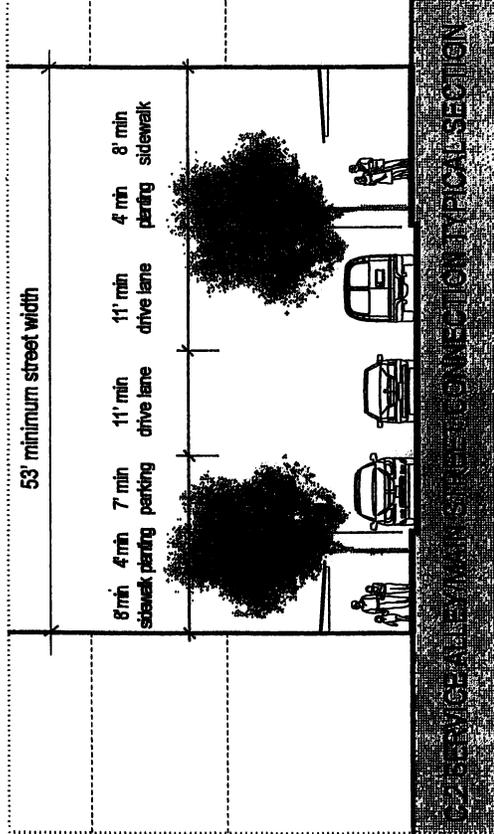
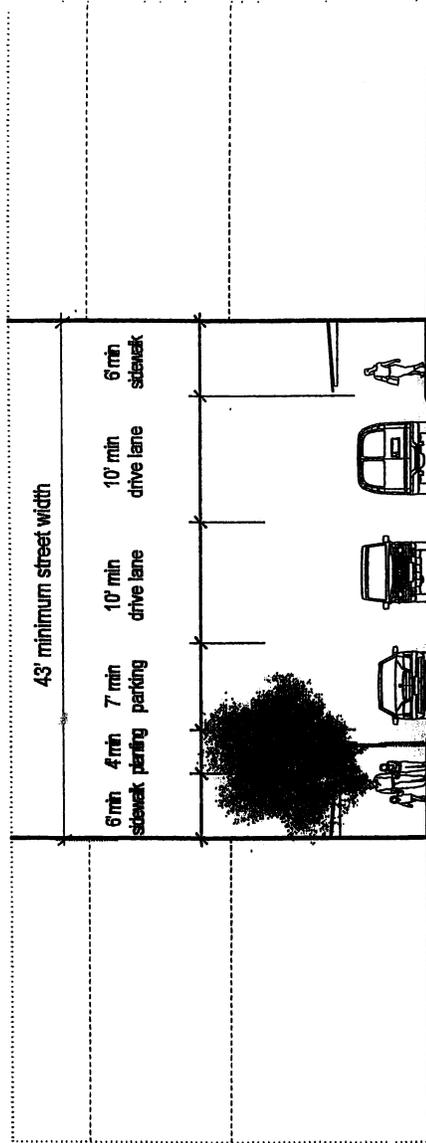
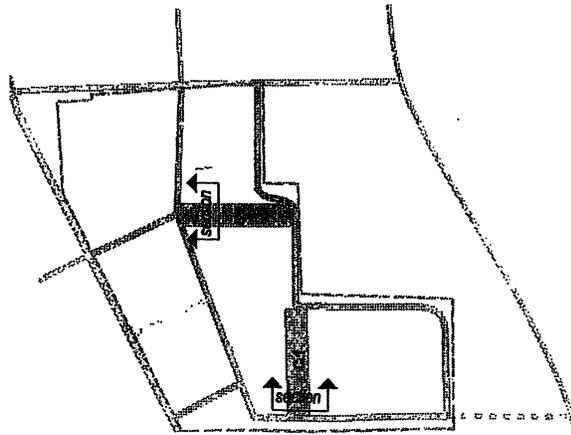
\* The existing easement to the south shall include a pedestrian sidewalk connecting the Park Promenade with Kirkland Way.

# 11. STREET CLASSIFICATION



- C.1 Service Alley/Park Promenade
- C.2 Service Alley /Main Street Connection

Street classifications are meant to be typical sections of the roadway. Slight variations may be necessary to accommodate driveways, varied landscaping techniques, street furniture, structural constraints, etc.

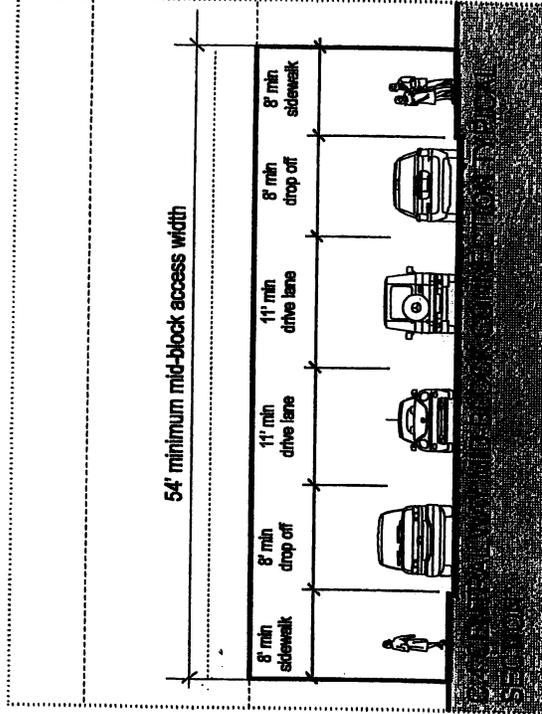
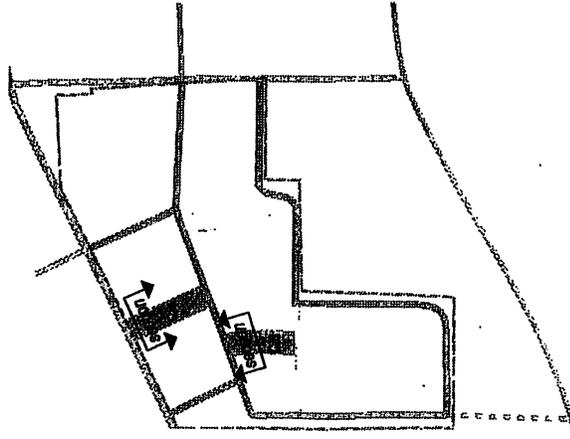
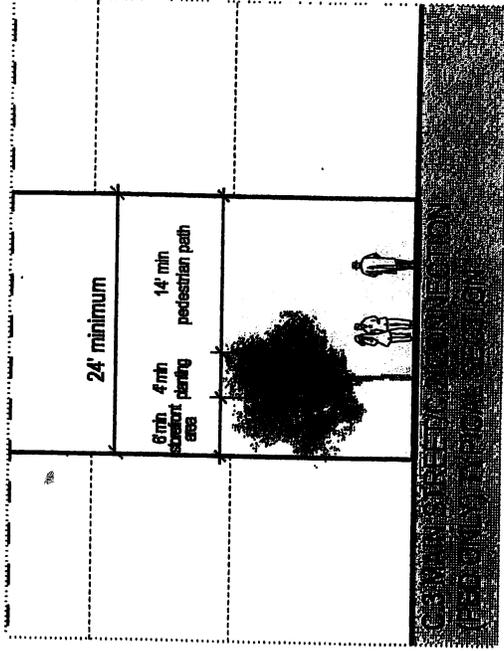


# DEVELOPMENT STANDARDS

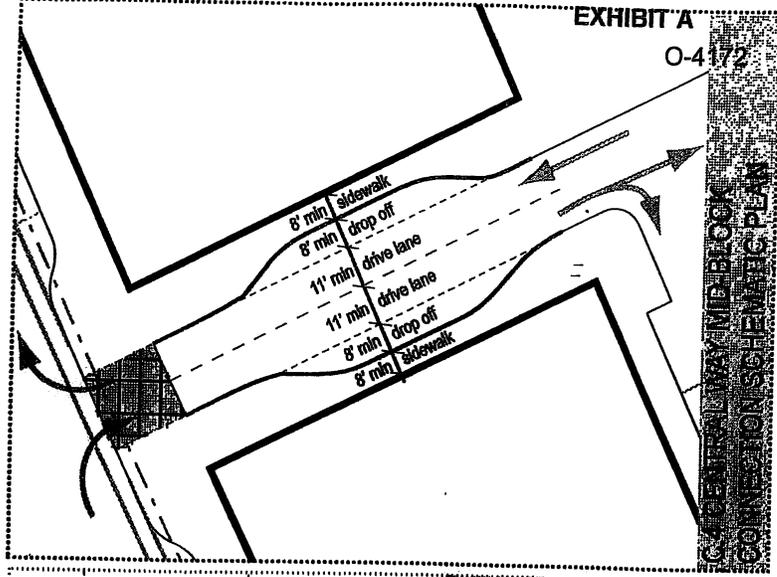
## 11. STREET CLASSIFICATION

- C.3 Main Street/C.2 Connection (ped only)
- C.4 Central Way Mid-Block Connection

Street classifications are meant to be typical sections of the roadway. Slight variations may be necessary to accommodate driveways, varied landscaping techniques, street furniture, structural constraints, etc.



\* The connection to Central Way will be a right in, right out per City of Kirkland street standards CK-R.22)



## 12. ALL STRICTS

### Overall Intent:

To create a rich pedestrian-oriented environment and successful mixed-use center.

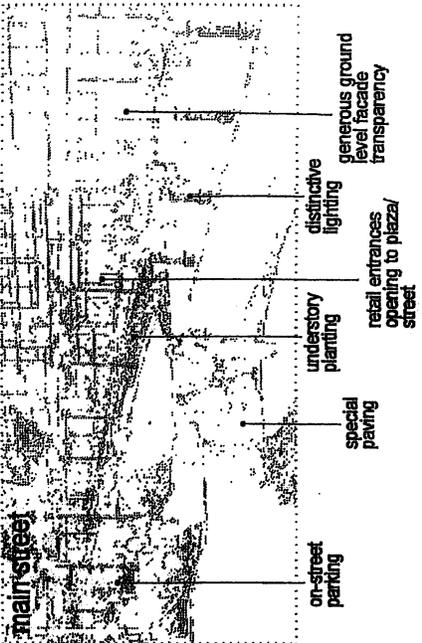
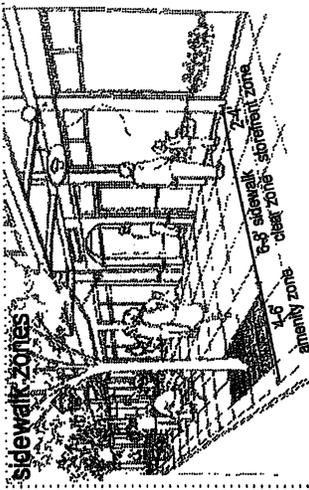
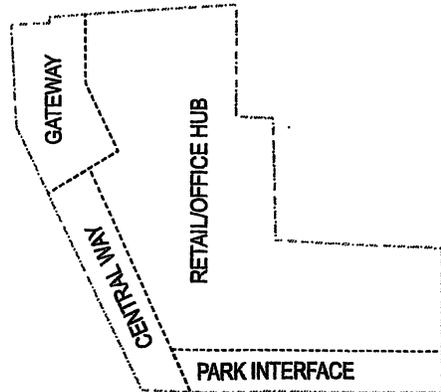
### SITE PLANNING

#### 1. Streetscape.

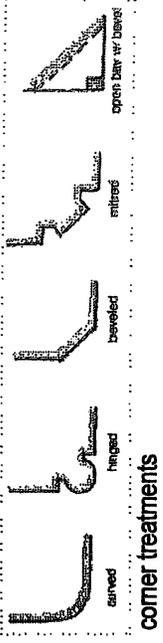
**Intent: To maintain a continuous and safe streetscape with a pedestrian-friendly character.**

- Sidewalks should maintain at least a 6-8ft clear zone for pedestrian travel.
- All streets should contribute to the physical safety and comfort of pedestrians. Provide both of the following where feasible to help define the sidewalk space:
  - On-street parking, (see street classifications, pgs 8-14)
  - A well-defined amenity zone set to the curb for understorey planting, street trees\*, and other street furniture such as benches, trash receptacles, signs
  - where restaurants are anticipated the sidewalk should be wide enough to accommodate outdoor seating.
- Use design elements such as separate storefronts, pedestrian-oriented signs, exterior light fixtures, awnings and overhangs to add interest and give a human dimension to street-level building facades.
- In general, buildings should be set as close as possible to sidewalk to establish active, lively uses. Maintain a continuous street wall, limiting gaps to those necessary to accommodate vehicular and pedestrian access.
- Encourage recessed main building and/or shop entrances consistent with a traditional "main street" design that is inviting and promotes streetscape continuity.
- The corners of buildings located at street intersections may recess to promote visibility and allow for a collection of people.
- Allow larger buildings to recess from the sidewalk edge to allow for entry fore-courts, provided street continuity is not interrupted along the majority of the block.

\*Minor deviations for street trees and major planting spaces may be necessary in some spaces due to structural constraints.



street level faced with recessed entrances, pedestrian oriented signs, and street trees



**Overall Intent:**

To create a rich pedestrian-oriented environment and successful mixed-use center.

**SITE PLANNING**

**2. Public Spaces: Plazas, Courtyards and Seating Areas**

*Intent: To provide a friendly pedestrian environment by creating a variety of usable and interesting public and semi-public open spaces within private development.*

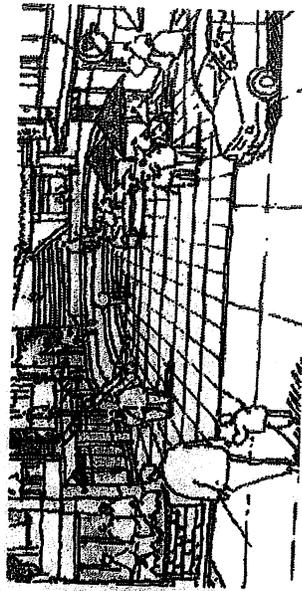
- a. Make plazas and courtyards comfortable for human activity and social interaction – standing, sitting, talking, eating.
- b. Define and contain outdoor spaces through a combination of building and landscape; oversized spaces that lack containment are discouraged.
- c. Establish pedestrian pathways that link public spaces to other public spaces and streets.
- d. Plazas and courtyards should include the following:
  - Planters and trees to break up space.
  - Seating, such as benches, tables, or low seating walls.
  - Special paving, such as integral colored/stained concrete, brick, or other unit pavers.
  - Specialty pedestrian scale bollards or other types of accent lighting.

And at least one of the following:

- Public art.
- Water feature.
- e. Design spaces to allow for variety and individualization of temporary installations such as: lighting, banners, artwork, etc.

**3. Environmental Considerations.**

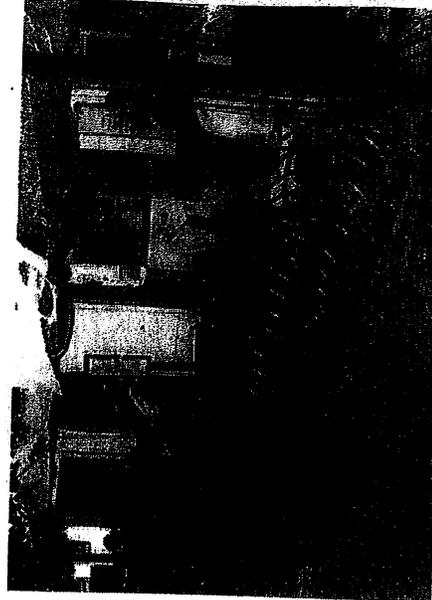
Consider environmental conditions such as sun, shade and prevailing winds when positioning courtyards and outdoor seating areas. Provide features and amenities to encourage and enhance pedestrian and bicycle access through out the project.



contained outdoor space with special paving, landscaping, seating and pedestrian linkages

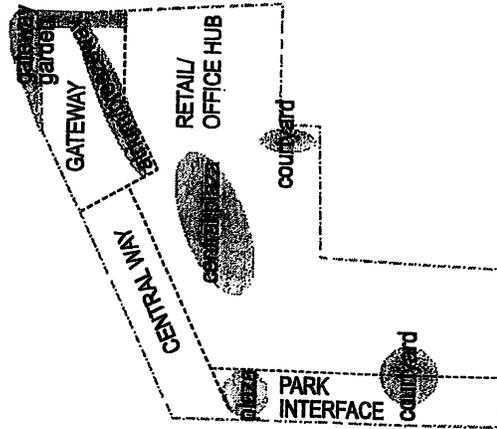


plaza space with seating and landscaping



courtyard with seating and water features

EXHIBIT A



## 12. ALL DISTRICTS

### Overall Intent:

To create a rich pedestrian-oriented environment and successful mixed-use center.

## SITE PLANNING

### 4. Pedestrian Connections and Wayfinding

*Intent: To create a network of safe, attractive, and identifiable linkages for pedestrians.*

- a. Clearly defined pedestrian connections shall be provided at locations specified in the Street Classification sections (pgs 8 -14).

### 5. Lighting

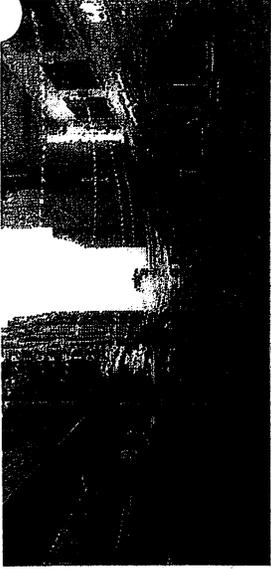
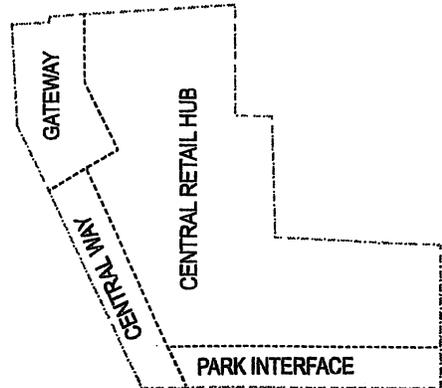
*Intent: To ensure that lighting contributes to the character of the project, provides personal safety, and does not disturb adjacent developments and residences*

- a. Use City-approved fixtures for street lighting along the city streets.
- b. Lighting elements throughout the project and on adjoining rights of way should be coordinated, including public open spaces, accent lighting, and streets.
- c. Accent lighting along public right of way should be soft in character and enrich the pedestrian street life.
- d. Accent lighting within the central pedestrian space should be congruous with the character of the project and the arts and pedestrian space commitments (see page 6).
- e. Lighting should include non-glaring design solutions, such as cut off fixtures that avoid light spilling over onto other properties.
- f. Flood lighting of entire building facades is discouraged.
- g. Lighting on upper levels should be sensitive to residences and drivers.

### 6. Screening of Trash and Service Areas

*Intent: To screen trash and service areas from public view.*

- a. All service, loading and trash collection areas shall be screened by a combination of planting and architectural treatment similar to the design of the adjacent building.
- b. Avoid where ever possible locating service, loading and trash collection facilities in pedestrian-oriented areas.



passageway with retail and pedestrian-scale lighting



clear pedestrian connection alley with retail and landscaping



pedestrian-scaled lighting



artful and expressive lighting



service screening

FINAL

## 12 DISTRICTS

### Overall Intent:

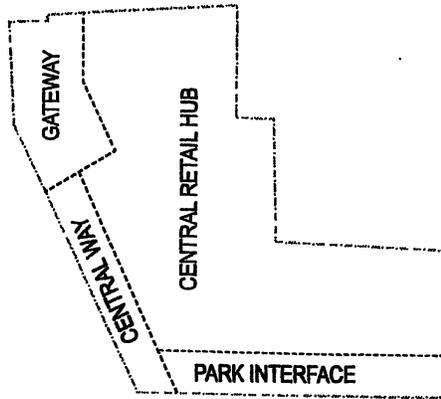
To create a rich pedestrian-oriented environment and successful mixed-use center.

### SITE PLANNING

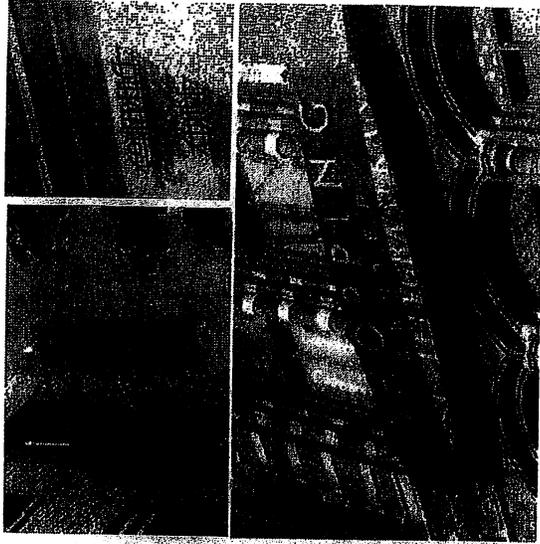
7. Signs: A Master Sign Plan will be created with the City that is in keeping with the following design objectives:

*Intent: To create signs that are creative, engaging and effective for a variety of user groups and respond to a variety of spaces.*

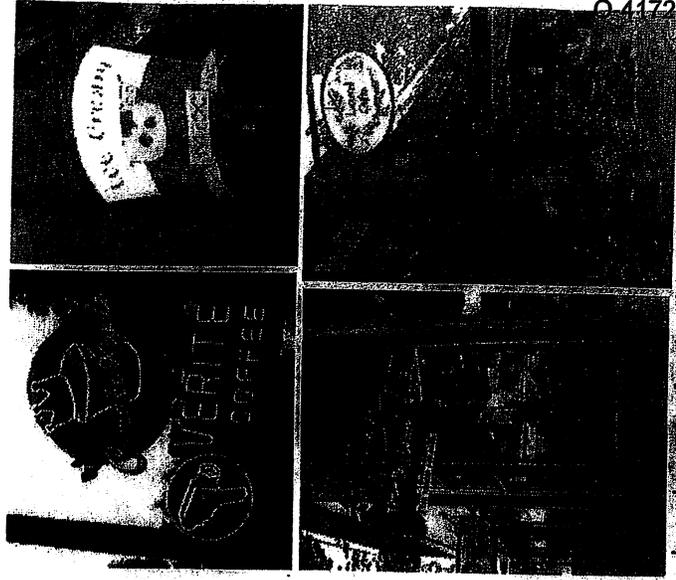
- a. Signage should be complementary and integrated with the unique character of the specific districts and/or buildings where they are located.
- b. Signage should be high quality and consistent with the contemporary urban/downtown character of comparable developments in similar regions.
- c. The design of buildings should identify locations, sizes and general design for future signage.
- d. The Master Sign Plan should include a hierarchy of elements based on use and function, such as:
  - site signage for entries, wayfinding, Parkplace identify
  - building signage for addressing and landmarking
  - tenant signage to encourage expressive individualization.



FINAL



signage integrated with the building design



unique character of pedestrian-oriented retail signage

EXHIBIT A

0-4172

## 12. ALL DISTRICTS

### Overall Intent:

To create a rich pedestrian-oriented environment and successful mixed-use center.

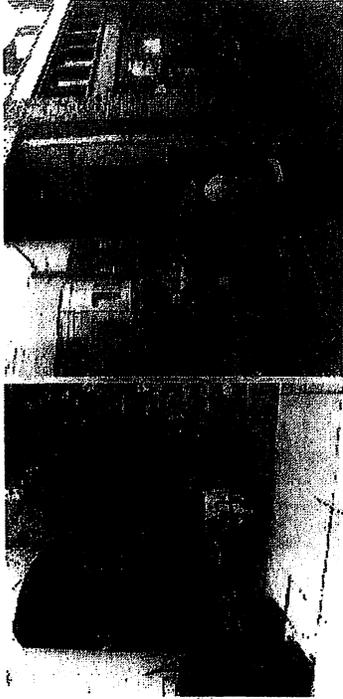
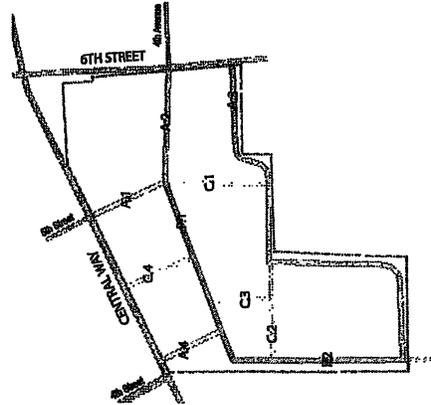
### BUILDING DESIGN

#### 1. Orientation to the Street

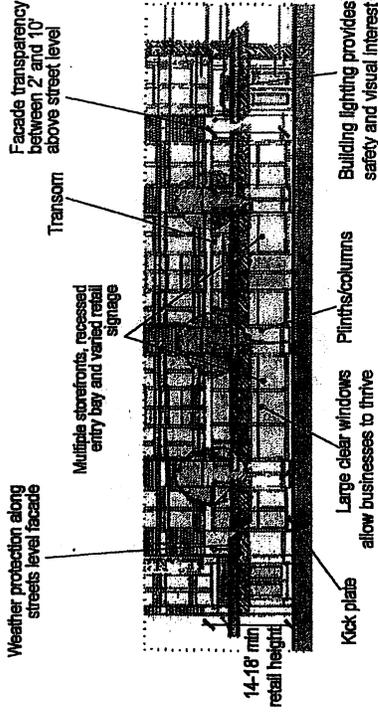
**Intent: Ensure that buildings contribute to the liveliness of Parkplace's public spaces, and overall community character.**

The following design treatments should apply to areas with required retail frontages, (see diagram on page 7):

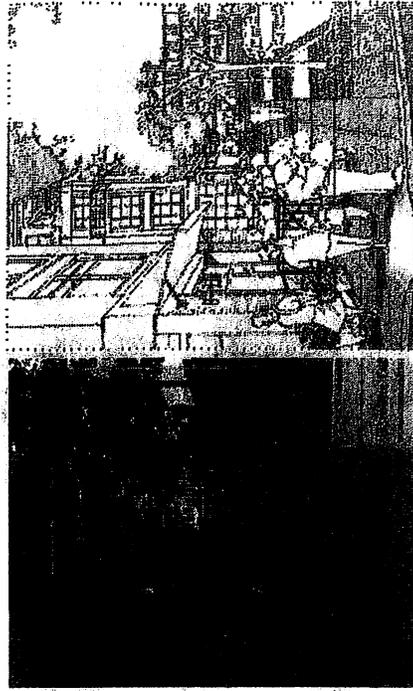
- a. Streets and public spaces should be enlivened by storefronts, windows, merchandise and other activity. Buildings should be designed with frequent entrances to encourage multi-tenant occupancy and walk-in traffic.
- b. Ground level retail heights should be between 14-18 feet in height.
- c. Entrances: Principal building entry should be visible from the street and public space and marked by large entry doors, canopy/portico/overhang.
- d. Transparency: To provide a visual connection between activities, ground floor facades should provide the following minimum standards
  - windows of clear vision glass (i.e. transparent) beginning no higher than 2' above grade to at least 10' above grade
  - 60% minimum of facade length along Central Way, P.1, P.2 should provide transparency
  - 50% minimum of facade length along A.1, A.4 should provide transparency.
- e. Weather Protection: To provide pedestrians cover from weather, canopies or awnings should be:
  - a minimum of 5 feet in width unless in conflict with vehicles
  - at least 75% of facades along required retail frontages constructed of permanent, durable various materials
  - allowed to vary in design
  - encouraged to have continuity, minimizing gaps.



street level emphasis



pedestrian-oriented street level facade



building design that enhances the activity on the street with multiple storefronts, and a variety of signage, awnings and merchandise displayed.

**Overall Intent:**

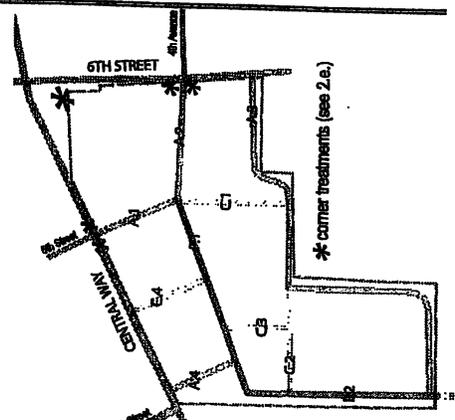
To create a rich pedestrian-oriented environment and successful mixed-use center.

**BUILDING DESIGN**

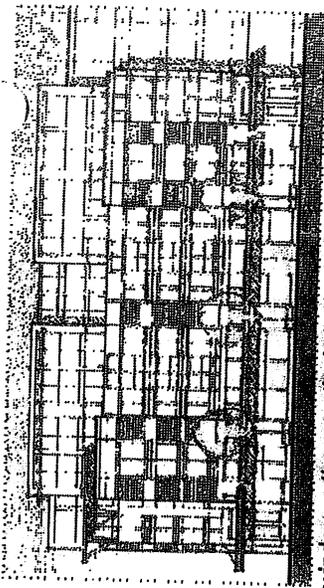
**2. Massing/Articulation**

*Intent: To create a variety of form and massing through articulation and use of materials to maintain a pedestrian scale.*

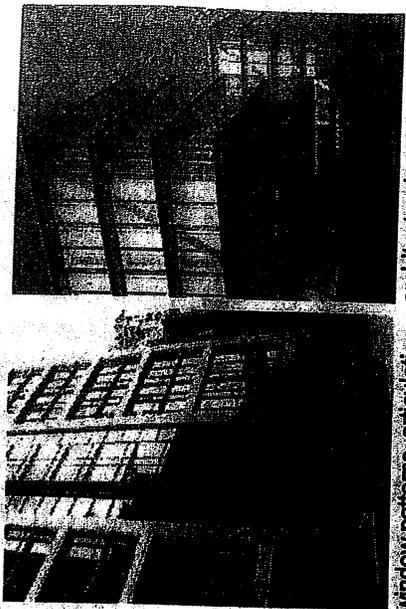
- a. In general, break down the scale and massing of buildings into smaller and varied volumes.
- b. Buildings should distinguish a "base" using articulation and materials. Include regulating lines and rhythms which may include cornice lines, belt lines, doors and windows, etc to create a pedestrian-scaled environment.
- c. Provide clear pattern of building openings. Windows, balconies and bays should unify a building's street wall and add considerably to a façade's three-dimensional quality.
- d. The use of ribbon windows and extensive use of mirrored glass is discouraged.
- e. Employ major architectural expressions into the façade, roof form, massing and orientation, such as tower forms, over-sized windows and entrances to demarcate important gateways and intersections; strong corner massing can function as a visual anchor at key locations within the project area. See diagram (left) for encouraged key locations.
- f. Building modulation should be employed to break up long facades and create a visual interest unique to each building in the project. The type of modulation should be determined by the overall design concept of each building, using dimensions from window sizes, column spacing, rain screen paneling, etc to a determine a distinct design solution.
- g. **Roof Silhouettes:**
  - Express roofs in varied ways.
  - Give consideration to potential views of the roof top from adjacent buildings.
  - Avoid monotonous design
- h. **Roof Equipment.** Locate and/or screen rooftop equipment so that it is not visible from streets and other public spaces. Use methods of rooftop screening that are integral to the building's form.



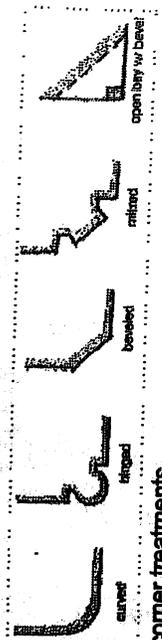
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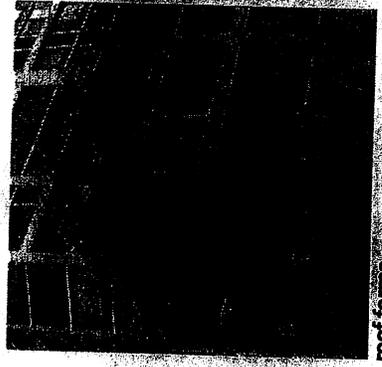
Window patterns, articulation, building modulation



Window patterns, articulation architectural expression



corner treatments



roof forms

**EXHIBIT A**

## 12. ALL DISTRICTS

### Overall Intent:

To create a rich pedestrian-oriented environment and successful mixed-use center.

## BUILDING DESIGN

### 3. Blank Wall Treatments

*Intent: To reduce the visual impact of blank walls by providing visual interest.*

- a. Although blank walls are generally not encouraged along public streets and pedestrian spaces, there may be a few occasions in which they are necessary for functional purposes. Any blank walls in these locations that are longer than 20 feet should incorporate two or more of the following:
  - Vegetation, such as trees, shrubs, ground cover and or vines adjacent to the wall surface.
  - Artwork, such as bas-relief sculpture, murals, or trellis structures.
  - Seating area with special paving and planting.
  - Architectural detailing, reveals, contrasting materials or other special visual interest.

### 4. Encourage High-Quality Design

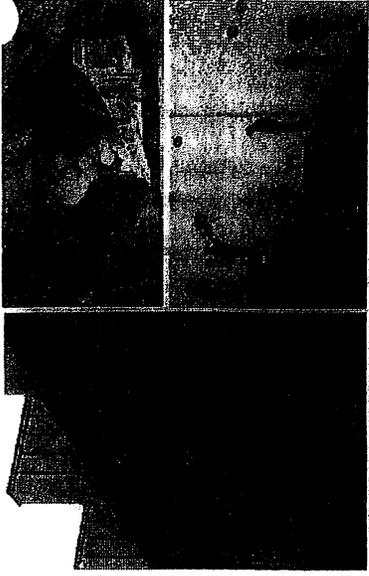
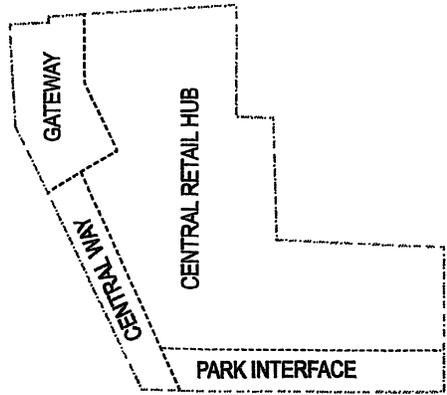
*Intent: To ensure that all buildings in the project area are constructed as a quality addition to the Kirkland Community.*

- a. Exterior architectural design and building materials should exhibit permanence and quality appropriate to an urban setting.

### 5. Building Diversity

*Intent: To ensure that buildings in the project are distinct and respond to the unique character of their specific district.*

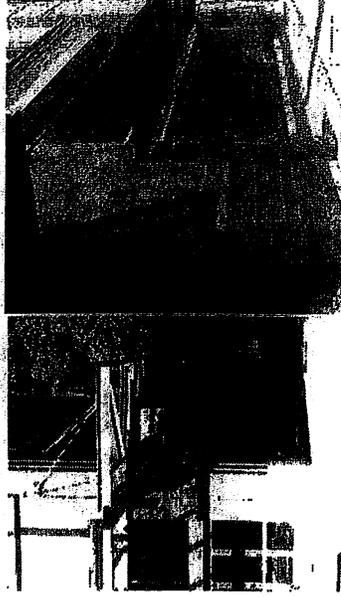
- a. Buildings should be designed to integrate with each other, while demonstrating architectural diversity. Buildings should be responsive to each specific district and its site conditions.
- b. Materials should be selected to integrate with each other, while allowing a richness of architectural diversity.
- c. Windows should incorporate variation in patterning between buildings.



columns, trellis, art and varied materials offer visual appeal on blank walls



a green wall can soften an otherwise unwelcoming street level facade

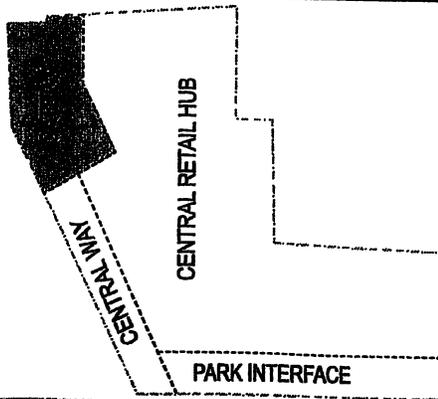


buildings using high quality materials at the street level

# 13 GATEWAY DISTRICT

## INTENT:

To create a welcoming feature to the Parkplace development and downtown Kirkland. This area should create an inviting entryway that is representative of the community through the use of art, landscape and architecture.



## SITE PLANNING

### 1. Incorporation of Triangular Lot "Gateway Garden"

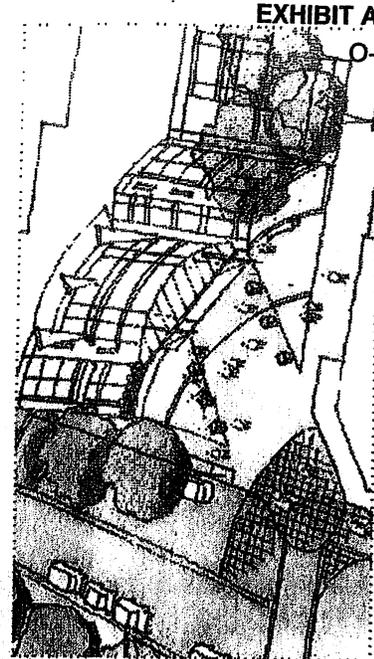
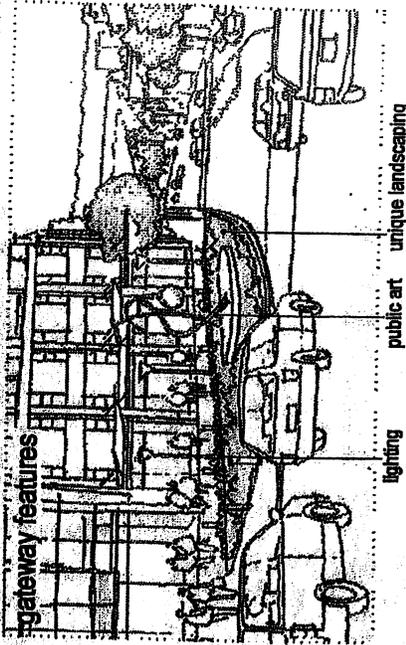
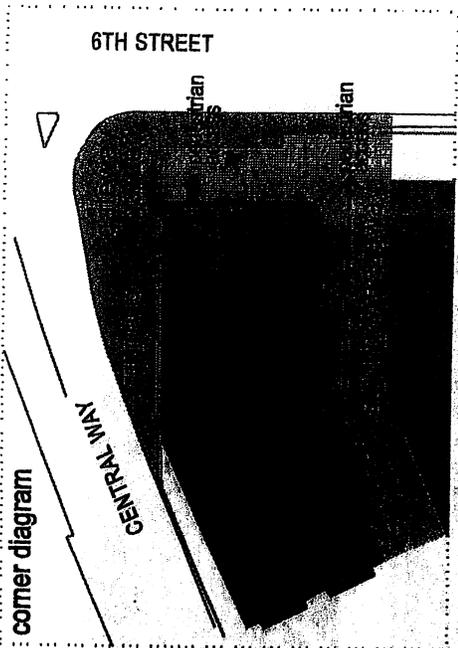
Incorporate the northeast triangular lot (excess right-of-way) into the project design to create a distinct gateway entrance that is integrated with the Parkplace development. Include:

- a. **Public Access:** Public access into the site should be visible and accessible from the corner of 6th Street and Central Way.
- b. **Hardscape / Vegetation:** Paving and landscaping materials should identify pedestrian spaces and access.
- c. **Trees and Other Planting:** Landscaping should be of appropriate scale and species to make a significant gateway gesture. Trees should be selected to provide visibility of businesses, and maintained to encourage proper growth and height.
- d. **Signage (downtown entry):** Incorporate wayfinding signage directing visitors to: Downtown, Peter Kirk Park, Waterfront/Marina, City Hall, and Civic District.

### 2. Public Space Connecting to Triangular Lot

Design of additional public space should be integrated with the triangular lot to provide a congruous pedestrian environment.

- a. **Public Access:** Connect pedestrian access to the gateway garden, adjacent streets and public open spaces.
- b. **Hardscape / Vegetation:** Paving and landscaping materials should identify pedestrian spaces and access.
- c. **Seating:** Incorporate seating along pedestrian pathways and gathering spaces.
- d. **Artwork:** Incorporate public art in an appropriate scale to distinguish the significance of this corner.

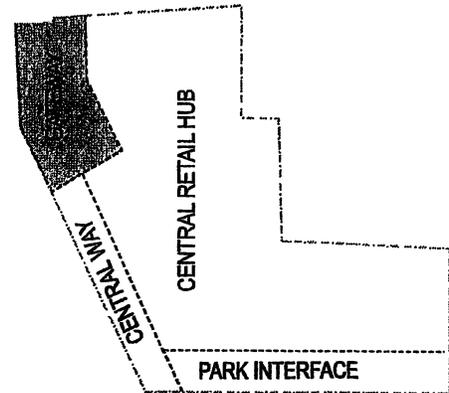


a gateway building and public open space can together shape a welcoming gathering space at this important corner

## 13a. GA. 4WAY DISTRICT

### INTENT:

To create a welcoming feature to the Parkplace development and the City. This area should create an inviting entryway that is representative of the community through the use of art, landscape and architecture.



### SITE PLANNING

#### 4. Atrium/Breezeway Space

Create a pedestrian connection, visually open, from the corner of 6th and Central into the heart of the project, (see standards on page 7). The atrium/breezeway space will include the following:

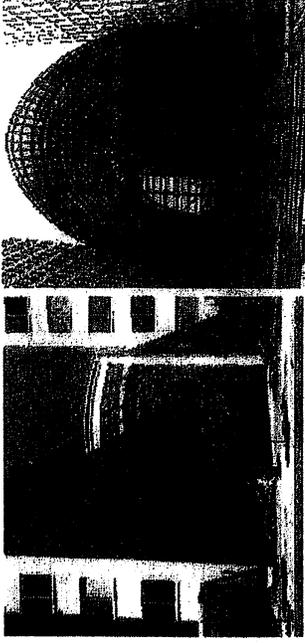
- Covered walkway
- Public connection from 6th to central plaza open during regular operating hours
- Pedestrian lighting
- Seating

and may consider including:

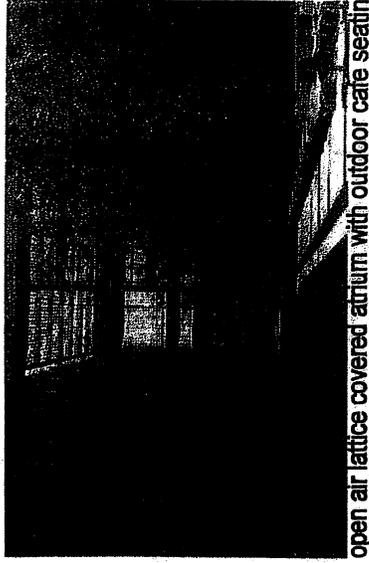
- Enclosed public space
- Retail / restaurant uses
- Covered play / activity space.

5. Buildings should be separated from or differentiated from each other at this corner so that they are not perceived as one building.

possible atrium/breezeway treatments:



galleria accessing restaurants and landscaped public seating areas



open air lattice covered atrium with outdoor cafe seating



breezeway between buildings



conceptual rendering of corner buildings on 6th and Central showing ground level setbacks and change of expression for upper levels

## 13 GATEWAY DISTRICT

### INTENT:

To create a welcoming feature to the Parkplace development and the City. This area should create an inviting entryway that is representative of the community through the use of art, landscape and architecture.

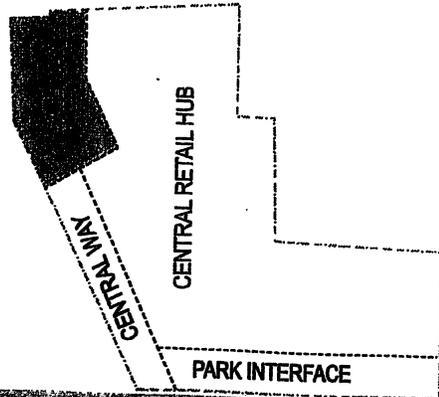
## BUILDING DESIGN

### 1. Ground Level Treatment

- Setbacks from Streets** - The ground floor levels of the corner building should be permitted to set back to allow for cut away view and obvious pedestrian connection into the site.
- Retail / Restaurant Uses** - Design for retail and restaurant uses along ground floor of the corner building.
- Details Visible at Different Movement Speeds** - Incorporate details in the building along the corner that bring visual interest at the pedestrian level, as well as for vehicular traffic entering Kirkland.

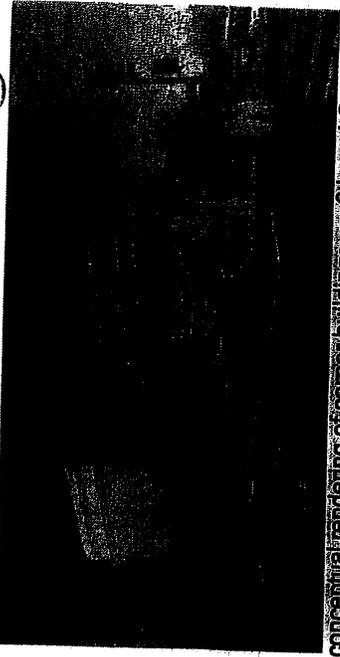
### 2. Upper Levels

- Change of Expression: Material Choices** A clear visual division between upper and lower floors should be incorporated through a change in materials, colors, and forms.
- Step backs:** A modulated step back should be incorporated after the third level (approximately 50') on building facade along Central Way. This step back can vary in depths from 0-10 feet, so long the upper levels of building appear to be receding from the base. Step backs are measured from the exposed face of the building above grade, not from any property line.
- Top Floor / Roof Edge** - Should have a distinct profile against the sky through elements such as projections, overhangs, cornices, step backs, trellises, changes in material or other elements.
- Accent Lighting:** The innovative use of accent lighting incorporated into the building facade is encouraged.
  - Lighting should include non-glaring design solutions, such as cut off fixtures that avoid light spilling over onto other properties.
  - Flood lighting of entire building facades is discouraged.

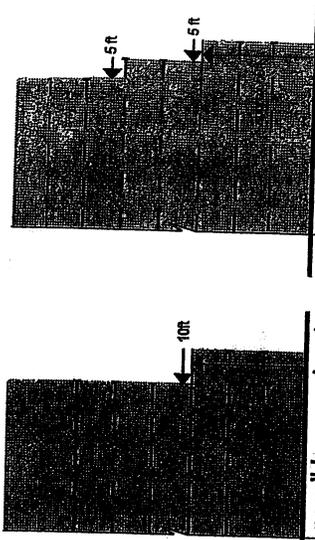


FINAL

gateway corner approaches



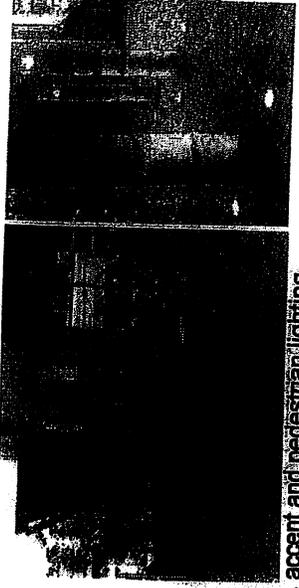
conceptual rendering of corner buildings on 6th and Central showing ground level setbacks and change of expression for upper levels



possible upper level step backs



example of 10' step back modulation



accent and pedestrian lighting

EXHIBIT A

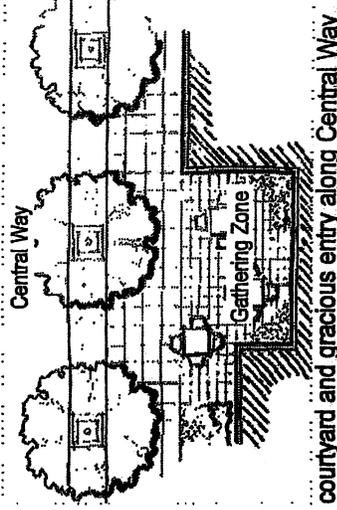
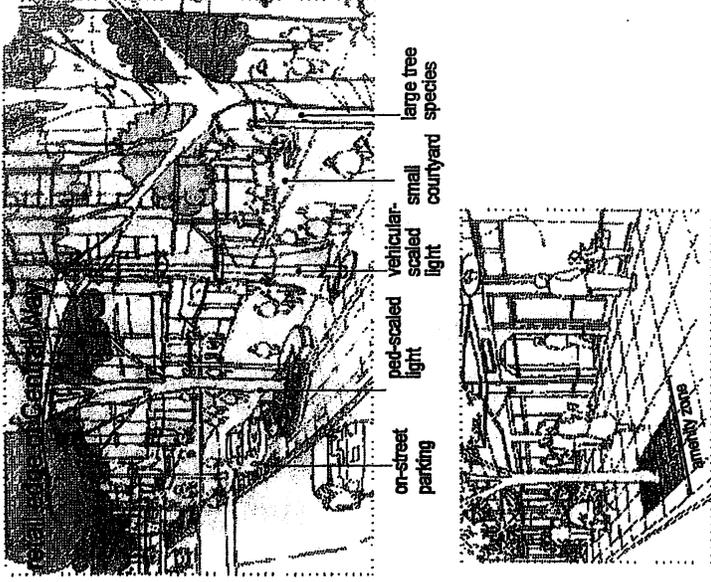
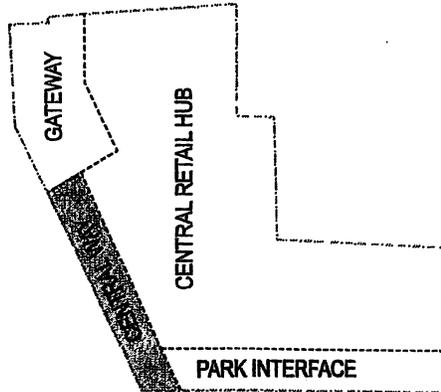
## 13b. CENTRAL WAY DISTRICT

### INTENT:

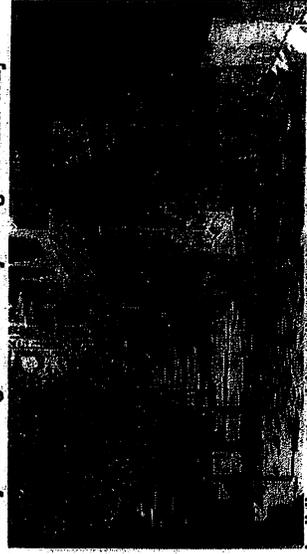
To respond to Central Way as a major arterial that links downtown Kirkland with the areas east and beyond, Parkplace must take advantage of this traffic volume and activity to help create a multi-functioning, pedestrian-scale shopping street.

### SITE PLANNING

- Encourage and activate the street edge by incorporating:
  - on-street parking along Central Way
  - buildings located up to the edge of the sidewalk
  - storefront and hotel entrances
  - generous sidewalk amenity zone (trees, lights, benches, see section on pg 9)
  - street tree selection and spacing that provide visual continuity, buffers pedestrians from the busy street, and allows visibility of retail
  - pedestrian signage.
- Reduce the length of the street wall by pulling back portions of the building at the ground level from the street edge in key locations, provided street continuity is not interrupted.
- The limited vehicular access to mid-block connection may be accessed from Central Way and into the interior of the project, (per C.4 section on pg 14). Pedestrian access along this route should include pedestrian-scaled lighting and a clear connection to the streetscape/plaza space on the opposite side.



courtyard and gracious entry along Central Way



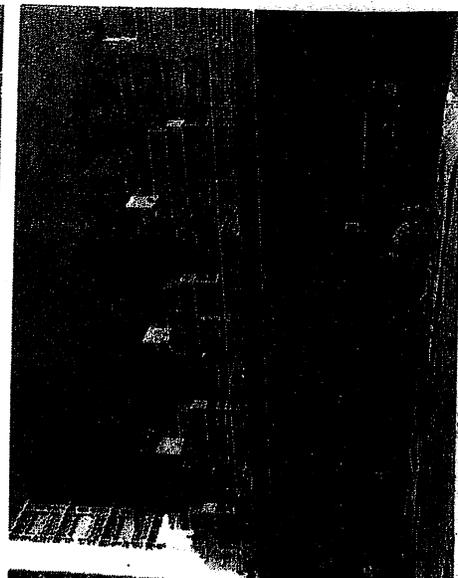
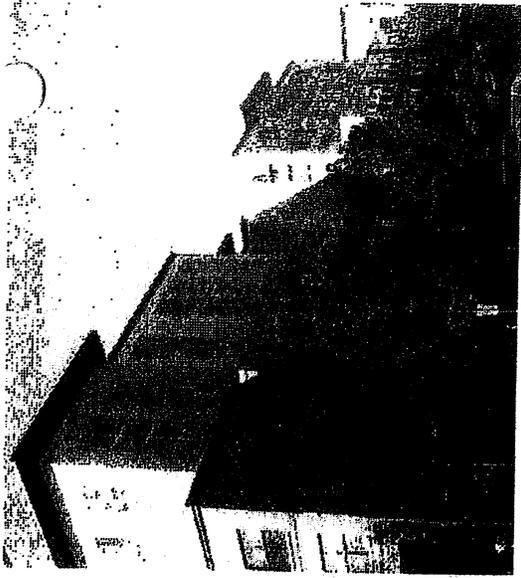
building set to sidewalk with on-street parking

**INTENT:**

*To respond to Central Way as a major arterial that links downtown Kirkland with the areas east and beyond, Parkplace must take advantage of this traffic volume and activity to help create a multi-functioning, pedestrian-scale shopping street.*

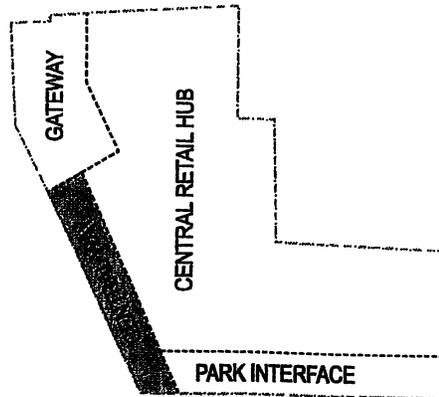
**BUILDING DESIGN**

1. Reduce apparent bulk of buildings along Central Way by incorporating a 20 foot upper level step back after the third (3rd) story along the majority of the facade. However in places, step backs can vary in depths from 0-20 feet, so long as the overall upper levels of building appear to be receding from the base. Step backs are measured from the exposed face of the building above grade, not from any property line.
2. Facades that are stepped back should be distinguished by a change in elements such as window design, railings, trellises, details, materials and/or color so that the result is a richly organized combination of features that face the street.
3. Balconies, terraces and landscaping features are encouraged in upper level step backs.



examples of varied step backs

EXHIBIT A  
O-4172



### 13c. PARK-PROMENADE INTERFACE DISTRICT

#### INTENT:

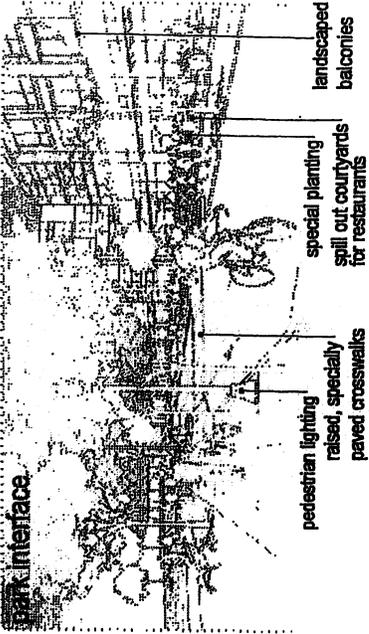
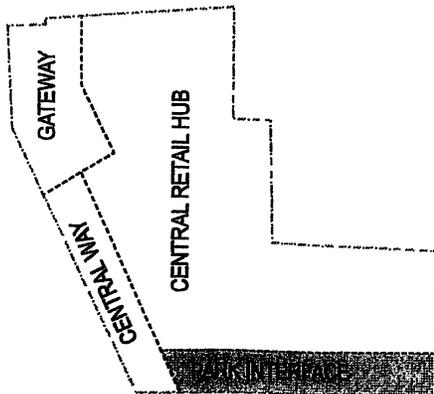
To create a strong connection from the park and downtown core that allows for clear pedestrian flow to and into the site by incorporating engaging building frontages and other design treatments.

#### SITE PLANNING

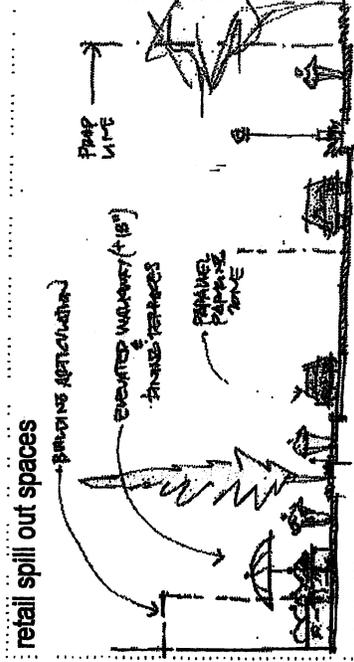
1. Incorporate ample landscaping and distinctive lighting.
2. Incorporate raised crosswalks 20' minimum in width and special paving to promote pedestrian priority along the promenade (see street section on page 12)
3. Encourage retail spill out spaces and landscaped courtyards along the building edge. Bring the "indoor" out and the "outdoor" in by spilling retail spaces onto the sidewalk and creating small gathering spaces along building edges.
4. Create a visual barrier for drivers between the drive lane and pedestrian walkway along the Peter Kirk Park edge using one or more elements such as: plantings, bollards, small seating walls, stone artwork, etc. (see section on page 12).

#### BUILDING DESIGN

1. Buildings shall address park and promenade street by incorporating:
  - terraces and balconies
  - entrances to retail along promenade
  - greater transparency at ground floor
  - street front courtyards
  - retail spill-out spaces.
2. Where feasible, provide rooftop terraces on lower roof levels as gathering spaces that include such amenities as:
  - seating
  - landscaping
  - canopies or coverings for weather protection
  - public access open during regular operating hours.



buildings addressing promenade and providing street fronting courtyards





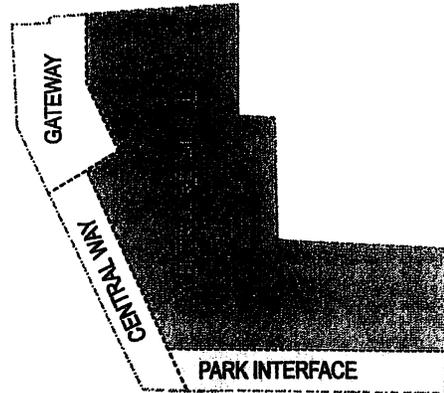
### 13.d CENTRAL RETAIL HUB

#### INTENT:

To establish a vibrant Central Retail Hub with activated public space and retail/window shopping experience with a mix of uses overlooking a common central plaza.

#### BUILDING DESIGN

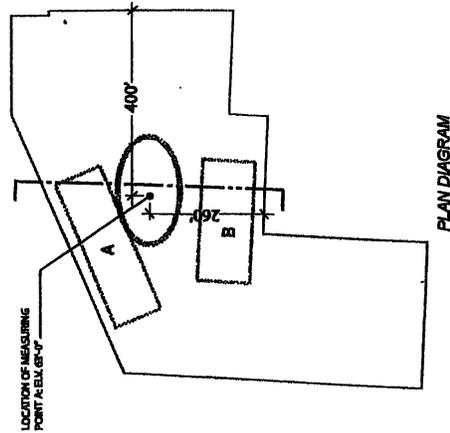
1. Lower level facades with predominantly retail uses should locate entrances at the sidewalk or edge of public space to frame pedestrian spaces in key locations.
2. Where feasible, provide rooftop terraces on lower roof levels as gathering spaces that include such amenities as:
  - seating
  - landscaping
  - canopies or coverings for weather protection
  - public access open during regular operating hours.
3. In order to maximize the amount of sunlight in the central plaza, building B as depicted in the diagram below should be contained under a line at a 41 degree angle measured from the center of the plaza, per diagrams below.



publicly accessible rooftop terrace

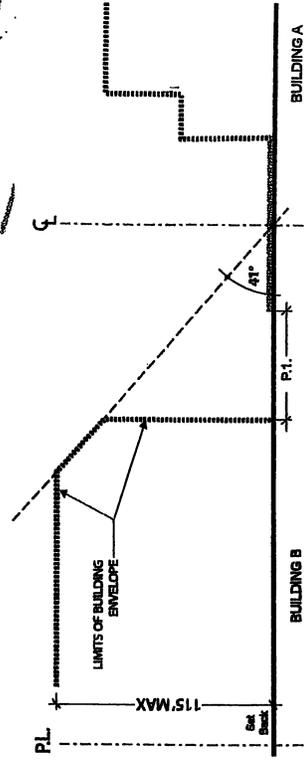


retail uses framing pedestrian courtyards and patios



PLAN DIAGRAM

KEY  
 ■■■■■ Denotes plaza/open space for pedestrian use, Does not include vehicular drive lanes or parking



SCHEMATIC SECTION LOOKING WEST

PUBLICATION SUMMARY  
OF ORDINANCE NO. 4172

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING AND LAND USE AND AMENDING TITLE 3 OF THE KIRKLAND MUNICIPAL CODE, CHAPTER 3.30 DESIGN REVIEW BOARD, TO INCLUDE "KIRKLAND PARKPLACE MIXED USE DEVELOPMENT MASTER PLAN AND DESIGN GUIDELINES," AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00016.

SECTION 1. Amends the following specific portions of the Municipal Code:

Section 3.30.040. Design guidelines adopted by reference.

SECTION 2. Provides a severability clause for the ordinance.

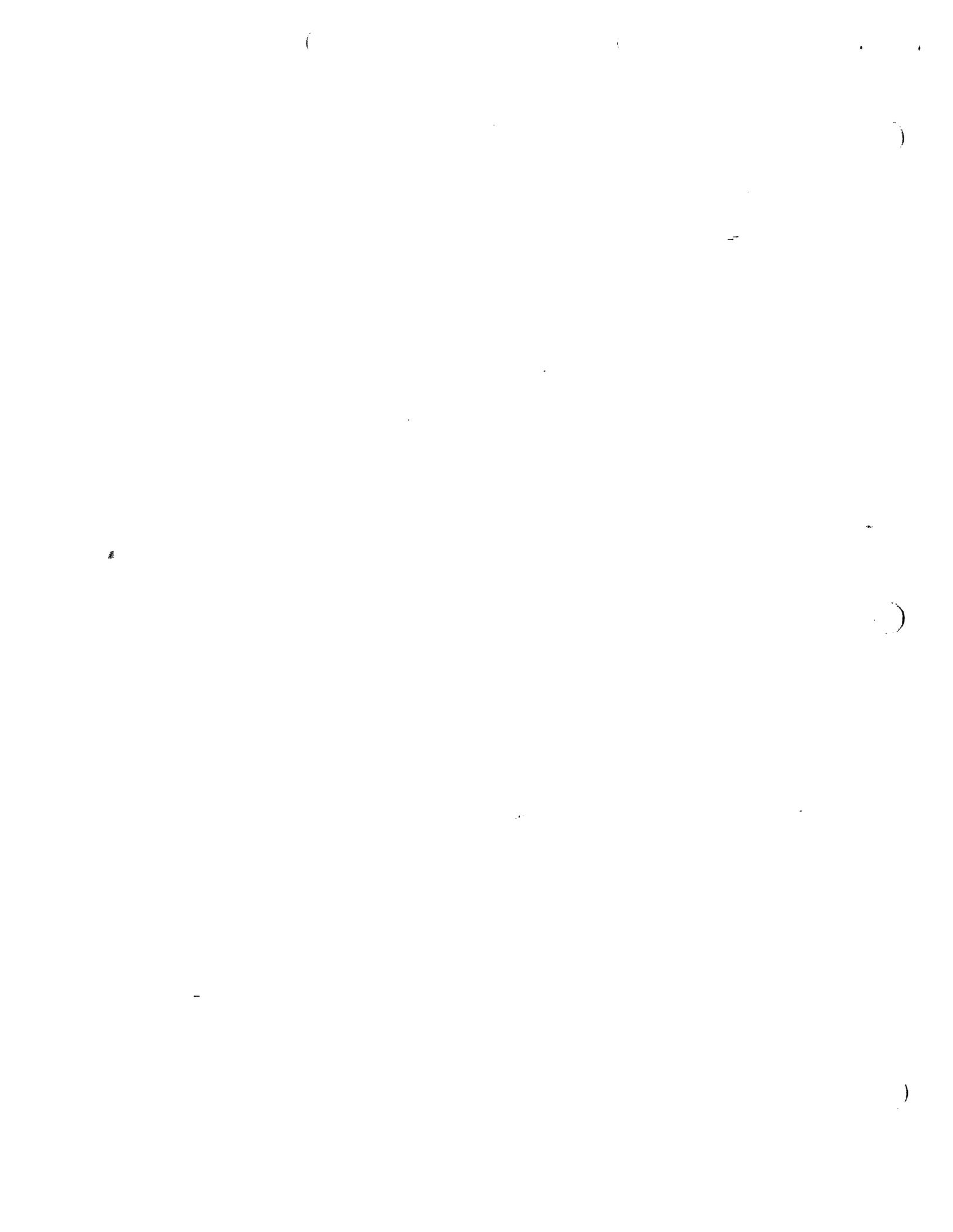
SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as five days after publication of summary.

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

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

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

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



ORDINANCE NO. 4173

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 3481 AS AMENDED, TO IMPLEMENT CHANGES TO THE PLANNED AREA 5 SECTION OF THE MOSS BAY NEIGHBORHOOD PLAN, AND THE MOSS BAY NEIGHBORHOOD LAND USE MAP, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00019.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend certain portions of the Comprehensive Plan for the City, Ordinance 3481 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated November 20, 2008 and bearing Kirkland Department of Planning and Community Development File No. ZON07-00019; and

WHEREAS, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, held public hearings on April 24, 2008, June 12, 2008, and October 22, 2008 on the amendment proposals and considered the comments received at said hearings; and

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

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission; and

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

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

- A. Section XV.D. Moss Bay Neighborhood Plan:  
Amendments to Figure C-2: Moss Bay Area Land Use as set forth in **Exhibit A** attached to this ordinance and incorporated by reference.
- B. Section XV.D. Moss Bay Neighborhood Plan:  
Amendments to 4. Perimeter Areas: C. Planned Area 5 as set forth in **Exhibit B** attached to this ordinance and incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is

for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in full force and effect five days from and after its passage by the City Council and publication pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council as required by law.

Section 4. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

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

SIGNED IN AUTHENTICATION THEREOF this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to Form:

\_\_\_\_\_  
City Attorney

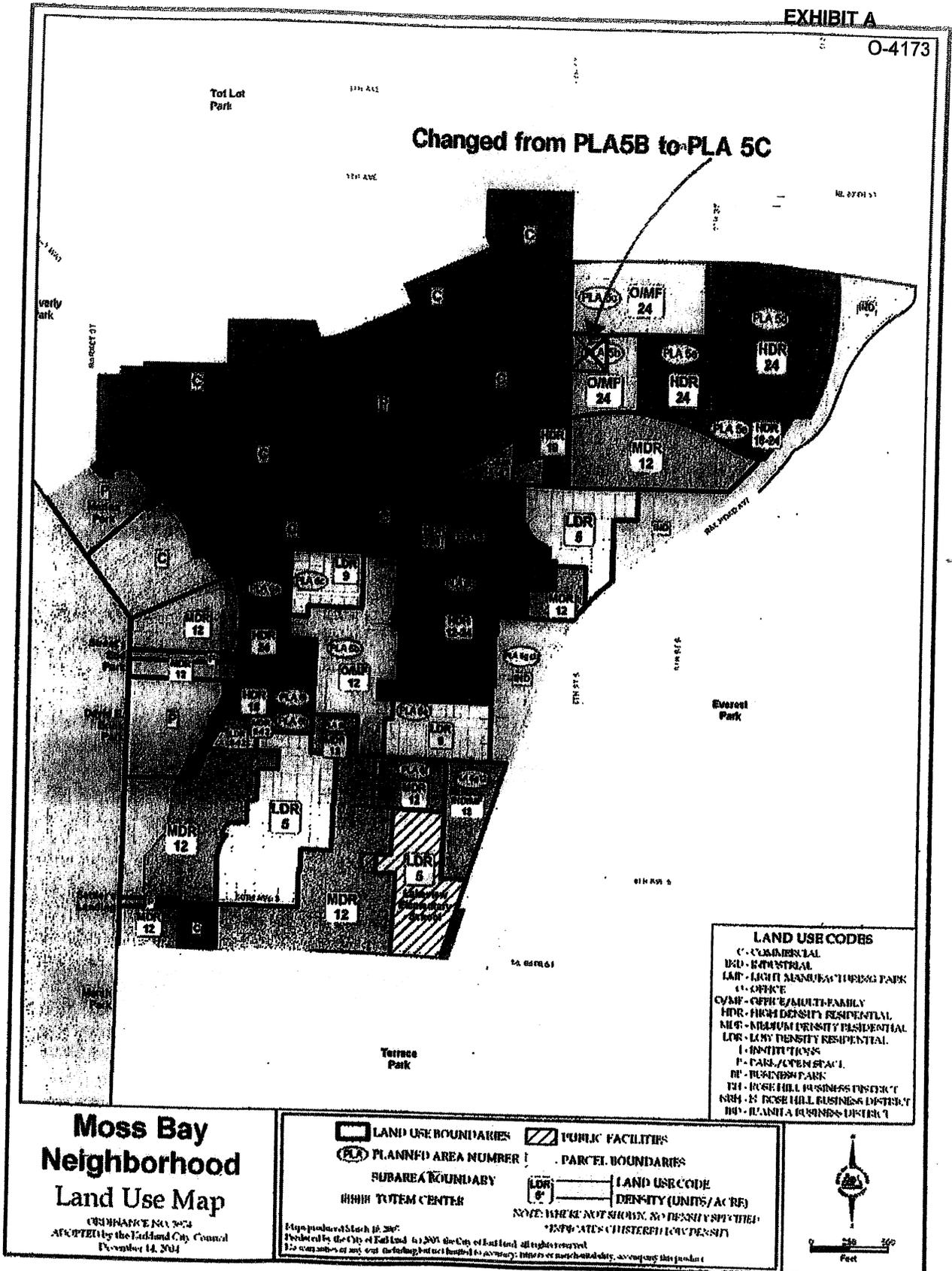


Figure C-2: Moss Bay Area Land Use

## C. PLANNED AREA 5

### *High-density residential and office uses permitted in Planned Area 5.*

The eastern portion of the Central Neighborhood has been designated as Planned Area 5. Due to topographic conditions and circulation patterns, land in Planned Area 5 is relatively secluded. The area has been designated for high-density residential and office uses because of the ability to buffer such high-density development from other uses in the area.

This planned area is divided into five subareas, based on the unique conditions for development within each area.

#### *Central A Subarea*

The Central A subarea of PLA 5 should be permitted to develop with high-density residential uses (up to 24 dwellings/acre).

#### *West B Subarea*

The noise and traffic make this area inappropriate for single-family use, while its ease of access and proximity to the Downtown makes it appropriate for both offices and multifamily uses at a density of up to 24 dwelling units per acre. New development in this subarea should minimize access points directly onto 6th Street. Access for offices, however, should be provided exclusively from 6th Street or 4th Avenue and precluded from Kirkland Way. Structures should be limited to three stories in height.

---

*North C Subarea*

---

Remaining land should develop as professional office or multifamily residential at a density of up to 24 dwelling units per acre.

At the same time, taller than normal structures could themselves take advantage of views to the west while maintaining greater open area on site and enhancing the greenbelt spine.

---

*East D Subarea*

---

The easternmost third of PLA 5 is identified as Subarea D. This area has developed in high-density multifamily uses in recent years. Remaining developable land is limited to one parcel in the southeast portion of the subarea. Future development should be multifamily residential at a density of up to 24 dwelling units per acre. However, to minimize impacts of future development or redevelopment on remaining single-family dwellings in Subarea A, height limitations, large setbacks, and limitation of horizontal dimensions should be required where this development is adjacent to single-family homes.

---

*South E Subarea*

---

The most southerly subarea is the smallest and is somewhat isolated from the other subareas. Lying between 2nd Avenue and Kirkland Way, this area could develop with high-density multifamily residential (up to 24 units per acre). Due to sight distance problems on Kirkland Way, access to and from this area should be restricted to 2nd Avenue.

PUBLICATION SUMMARY  
OF ORDINANCE NO. 4173

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 3481 AS AMENDED, TO IMPLEMENT CHANGES TO THE PLANNED AREA 5 SECTION OF THE MOSS BAY NEIGHBORHOOD PLAN, AND THE MOSS BAY NEIGHBORHOOD LAND USE MAP, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00019.

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

- A. Amendments to Figure C-2: Moss Bay Area Land Use,
- B. Amendments to Perimeter Areas: C. Planned Area 5 in the Moss Bay Neighborhood Plan section.

SECTION 2. Provides a severability clause for the ordinance.

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

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

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

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

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

ORDINANCE NO. 4174

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE) CHAPTER 92. DESIGN REGULATIONS, AND A USE ZONE CHART IN CHAPTER 60 AND THE KIRKLAND ZONING MAP, ORDINANCE 3710 AS AMENDED, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00019.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend certain portions of the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code), all as set forth in that certain report and recommendation of the Planning Commission dated November 20, 2008, and bearing Kirkland Department of Planning and Community Development File No. ZON07-00019; and

WHEREAS, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, held public hearings on April 24, 2008, June 12, 2008, and October 22, 2008 on the amendment proposals and considered the comments received at said hearings; and

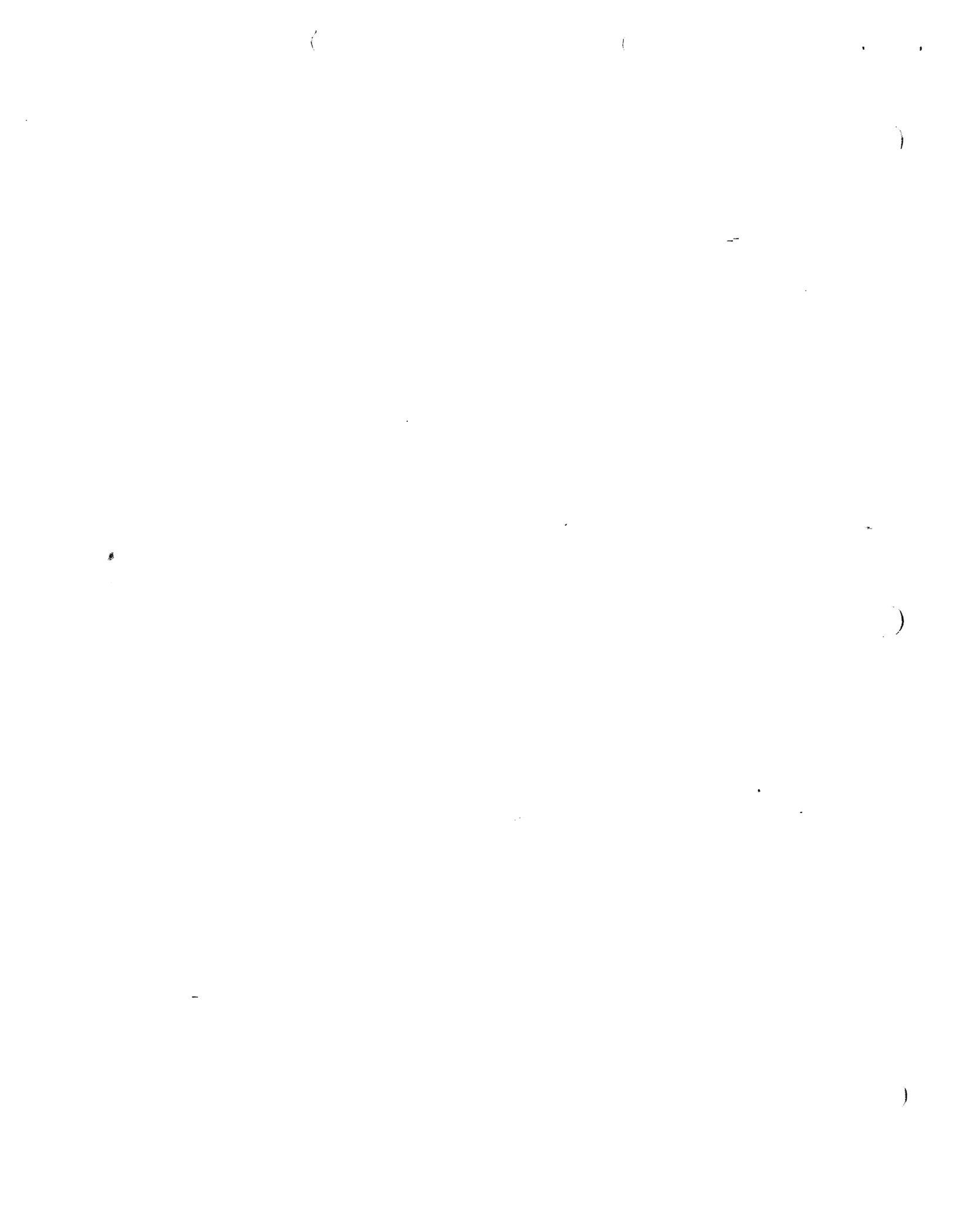
WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a Planned Action Environmental Impact Statement. The Draft of which was issued on April 4, 2008 and the Final of which was issued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

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission; and

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

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

- A. Chapter 60. Planned Area 5 Zones:  
Amendments to PLA 5C use zone chart as set forth in **Exhibit A** attached to this ordinance and incorporated by reference.
- B. Chapter 92. Design Regulations:



Section 92.05. Introduction, 1. General add PLA 5C as set forth in **Exhibit B** attached to this ordinance and incorporated by reference.

Section 2. Zoning Map amended: The following specified zones of Ordinance 3710 as amended, the Kirkland Zoning Map, are amended as set forth in **Exhibit C**, which by this reference is incorporated herein.

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

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

Section 5. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

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

SIGNED IN AUTHENTICATION THEREOF this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to Form:

\_\_\_\_\_  
City Attorney

## PLA5C USE ZONE CHART

*The following is excerpted from the PLA5C zone of the Zoning Code to illustrate changes related to the Altom PAR. For the complete text of the PLA5C zone, review the online version of the Code from the City's webpage. Edited portions are indicated in shaded text.*

**KZC 60. 39 User Guide.** The charts in KZC 60.42 contain the basic zoning regulations that apply in Planned Area 5C, including subzones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

### Section 60.40 - GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. If any portion of a structure is adjoining a low density use within PLA 5A, then either:
  - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
  - b. The horizontal length of any façade of that portion of the structure which is within 100 feet of the lot containing a low density use within PLA 5A shall not exceed 75 feet.

See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.

(Does not apply to Detached Dwelling Unit uses).

3. Any portion of a structure that exceeds 30 feet above average building elevation must be setback from the front property line one foot for each one foot that the portion of the structure exceeds 30 feet above average building elevation (does not apply to Detached Dwelling and Public Park uses).

5. If the subject property abuts the 4<sup>th</sup> Avenue right-of-way or the easterly extension of the alignment of that right-of-way to 10<sup>th</sup> Street, the following regulations apply:
  - a. The City may require the applicant to dedicate and improve land as shown in the Public Improvements Master Plan adopted by the City for this area. Any required yard of the subject property abutting the 4<sup>th</sup> Avenue right-of-way or the easterly extension of that right-of-way will be regulated as a front yard.
  - b. Any required yard of the subject property abutting 5<sup>th</sup> Avenue will be regulated as a rear yard.
  - c. Service and parking areas must, to the maximum extent possible, be located and oriented away from the 4<sup>th</sup> Avenue right-of-way unless primary vehicular access to

the subject property is directly from that right-of-way. (Does not apply to Public Park uses).

**USE ZONE CHART**

**Section 60.42.020**

Use: Detached, Attached or Stacked Dwelling Units

[REDACTED]

Minimums:

Lot Size: 3,600 sq. ft. with at least 1,800 sq. ft. per unit.  
Required Yards: Front: 20'; Side: 5' for detached units. For attached or stacked units, 5', but 2 side yards must equal at least 15'; and Rear: 10'

Maximums:

Lot Coverage: 70%.

Height of Structures:

- If the development contains at least 1 acre, then the lower of 6 stories or 60 feet above average building elevation.

[REDACTED]

- Otherwise, 30 feet above average building elevation.

Landscape Category: D

Sign Category: A

Required Parking: 1.7 per unit.

**Special Regulations:**

*Remain unchanged.*

**Section 60.42.030**

Use: Office Use

Required Review Process: If the development is south of 4th Avenue and within 100 feet east of 6th Street, then Administrative Design Review for buildings over 30' above average building elevation. Chapter 14.22.040 otherwise, none.

Minimums:

Lot Size: None

Required Yards: Front: 20'; Side: 5', but 2 side yards must equal at least 15'; and Rear: 10'

Maximums:

Lot Coverage: 70%.

Height of Structures:

- If the development contains at least 1 acre, then the lower of 6 stories or 60 feet above average building elevation.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- Otherwise, 30 feet above average building elevation.

Landscape Category: C

Sign Category: D

Required Parking: If a Medical, Dental, or Veterinary office, then 1 per each 200 square feet of gross floor area. Otherwise, 1 per each 300 square feet of gross floor area.

**Special Regulations:**

*Remain unchanged.*

**Section 60.42.040**

Use: Development Containing Stacked or Attached Dwelling Units and Office Uses.

Required Review Process: If the development is south of 4th Avenue and within 100 feet east of 6th Street, then Administrative Design Review for buildings over 30' above average building elevation. Chapter 14.22.040 otherwise, none.

Minimums:

Lot Size: 3,600 sq. ft. with at least 1,800 sq.ft. per unit.

Required Yards: Front: 20'; Side: 5', but 2 side yards must equal at least 15'; and Rear: 10'

Maximums:

Lot Coverage: 70%.

Height of Structures:

- If the development contains at least 1 acre, then the lower of 6 stories or 60 feet above average building elevation.

[REDACTED]

- Otherwise, 30 feet above average building elevation.

Landscape Category: C

Sign Category: D

Required Parking: See KZC 105.25.

**Special Regulations:**

*Remain unchanged.*

**Section 60.42.070**

Use: Mini-School or Mini-Day-Care

[REDACTED]

Minimums:

Lot Size: 3,600 sq.ft.

Required Yards: Front: 20'; Side: 5', but 2 side yards must equal at least 15'; and Rear: 10'

Maximums:

Lot Coverage: 70%.

Height of Structures:

- If the development contains at least 1 acre, then the lower of 6 stories or 60 feet above average building elevation.
- If the development is south of 4th Avenue and within 100 feet east of 3rd Street and contains at least 1 acre, then the lower of 4 stories or 42 feet above average building elevation.
- If the development is south of 4th Avenue and within 100 feet east of 3rd Street and contains at least 1 acre, then the lower of 4 stories or 42 feet above average building elevation.
- Otherwise, 30 feet above average building elevation.

Landscape Category: E

Sign Category: B

Required Parking: See KZC 105.25

**Special Regulations:**

*Remain unchanged.*

**Section 60.42.080**

Use: Assisted Living Facility

[REDACTED]

Minimums:

Lot Size: 3,600 sq. ft.

Required Yards: Front: 20'; Side: 5', but 2 side yards must equal at least 15'; and Rear: 10'

Maximums:

Lot Coverage: 70%.

Height of Structures:

- If the development contains at least 1 acre, then the lower of 6 stories or 60 feet above average building elevation.

[REDACTED]

- Otherwise, 30 feet above average building elevation.

Landscape Category: D

Sign Category: A

Required Parking: 1.7 per independent unit. 1 per assisted living unit.

**Special Regulations:**

*Remain unchanged.*

## Chapter 92 – DESIGN REGULATIONS

### 92.05 Introduction

1. General
2. Applicability
3. Design Review Procedures
4. Relationship to Other Regulations
5. Dedication
6. Design Districts in Rose Hill Business District
7. Design Districts in the Totem Lake Neighborhood

### 92.10 Site Design, Building Placement and Pedestrian-Oriented Facades

1. Building Placement in JBD
2. Pedestrian-Oriented Facades Defined for RHBD and TLN
3. Building Placement In RHBD and TLN
4. Multi-Story Buildings on Sites Adjacent to a Low Density Zone in RHBD and TLN
5. Multifamily Buildings Located in TLN
6. Building Location at Street Corners in the RHBD and TLN Zones
7. Building Location at Street Corners in CBD

### 92.15 Pedestrian-Oriented Improvements on or Adjacent to the Subject Property

1. All Zones – Pedestrian Oriented Space and Plazas in Parking Areas
2. Pedestrian-Oriented Space and Plazas in TC, CBD, NRHBD, RHBD and TLN Zones
3. Blank Wall Treatment
4. Parking Garages

### 92.30 Architectural and Human Scale

1. Techniques To Moderate Bulk and Mass in the CBD
2. Horizontal Definition in All Zones
3. Techniques To Moderate Bulk and Mass in the RHBD and TLN Zones
4. Techniques To Achieve Architectural Scale in All Zones
5. Techniques To Achieve Architectural Scale in the RHBD and the TLN Zones
6. Achieving Human Scale in All Zones

### 92.35 Building Material, Color and Detail

1. Required Elements
2. Prohibited Materials – All Zones
3. Metal Siding – All Zones
4. Concrete Block – All Zones
5. Awnings – All Zones
6. Covering of Existing Facades – All Zones
7. Building Cornerstone or Plaque – All Zones
8. Required On-Site Improvements – All Zones

### **92.05 Introduction**

1. General – This chapter establishes the design regulations that apply to development in Design Districts including the Central Business District (CBD), Market Street Corridor (MSC), Juanita Business District (JBD), Rose Hill Business District (RHBD), Totem Lake Neighborhood (TLN), North Rose Hill Business District (NRHBD), ~~and in~~ Totem Center (TC), and in areas indicated on the use zone charts for PLA 5C.

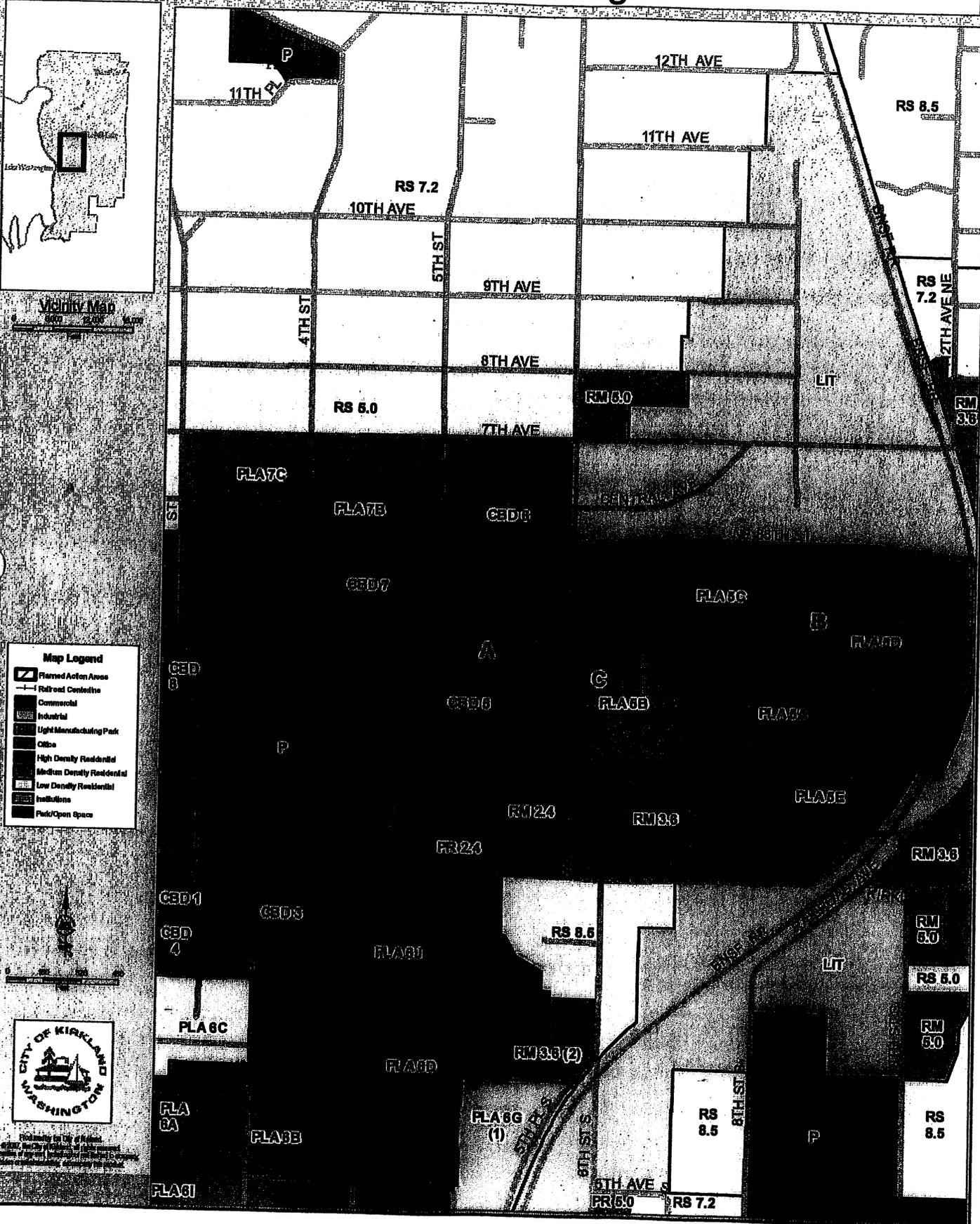
Special provisions that apply to a particular Design District are noted in the section headings of the chapter.

AREA C BELOW WILL BE REZONED FROM PLA 5B TO PLA 5C.

EXHIBIT C

# Current Zoning

O-4174



PUBLICATION SUMMARY  
OF ORDINANCE NO. 4174

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE) CHAPTER 92. DESIGN REGULATIONS, AND A USE ZONE CHART IN CHAPTER 60 AND THE KIRKLAND ZONING MAP, ORDINANCE 3710 AS AMENDED, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00019.

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

- A. Amends Chapter 60. Planned Area 5 Zones, use zone chart PLA 5C;
- B. Amends Chapter 92. Design Regulations, section 92.05. Introduction;

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

SECTION 3. Provides a severability clause for the ordinance.

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

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

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

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

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

ORDINANCE No. 4175

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND PLANNING; ESTABLISHING A PLANNED ACTION FOR TWO AREAS IN THE MOSS BAY NEIGHBORHOOD GENERALLY LOCATED EAST OF PETER KIRK PARK, SOUTH OF CENTRAL WAY/NE 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; and
- E. Apply the City's development regulations together with the mitigation measures described in the EIS and this Ordinance to address the impacts of future development contemplated by the Planned Action.

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



- A. The City is subject to the requirements of the Growth Management Act, RCW 36.70A, and is located within an Urban Growth Area;
- B. The City has adopted a Comprehensive Plan complying with the GMA;
- C. The City is adopting development regulations applicable to the proposed development concurrent with adoption of this Planned Action Ordinance to address many of the impacts of future development;
- D. The City has prepared an EIS complying with SEPA for the area designated as a Planned Action ("Planned Action EIS") and finds that it adequately addresses the probable significant environmental impacts associated with the type and amount of development planned to occur in the designated Planned Action area;
- E. The mitigation measures identified in the Planned Action EIS are attached to this Ordinance as Exhibit B. These mitigation measures, together with City development regulations, will adequately mitigate significant impacts from development within the Planned Action area;
- F. The Planned Action EIS and this Ordinance identify the location, type and amount of development that is contemplated by the Planned Action;
- G. Future projects that are consistent with the Planned Action will protect the environment, benefit the public and enhance economic development;
- H. The City has provided numerous opportunities for meaningful public involvement in the proposed Planned Action; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments;
- I. The proposal is not an essential public facility as defined by RCW 36.70A.200(1);
- J. The Planned Action area applies to a defined area that is smaller than the overall City boundaries; and
- K. Public services and facilities are adequate to serve the proposed Planned Action with the mitigation measures identified in Exhibit B..

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

A. Planned Action Area. The Planned Action designation shall apply to the two areas in the Moss Bay Neighborhood as are specifically shown in Exhibit A, "Planned Action Area": the 11.5 acres of property at 457 Central Way known as the Parkplace Mall and generally located east of Peter Kirk Park (Area A on Exhibit A); and the parcel at 220 6<sup>th</sup> Street and the parcel at 603 and 611 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 16, 2008. The mitigation measures contained in Exhibit B, which is attached hereto and adopted by reference as though fully set forth herein, are based upon the findings of the Draft and Final EISs and shall, along with existing City codes, ordinances, and standards, provide the framework that the City will use to impose appropriate conditions on qualifying Planned Action projects. The Draft and Final EISs shall comprise the Planned Action EIS.

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

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

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

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

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

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

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

(2) *Land Use Review Threshold.*

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

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

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

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

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

(b) If future development proposals in the Planned Action Area exceed the maximum development parameters reviewed in the Planned Action EIS, further environmental review may be required under SEPA, as provided in WAC 197-11-172. If proposed plans significantly change the location of development or uses in a manner that would alter the environmental determinations in the Planned Action EIS, additional SEPA review would also be required. Shifting development proposals between categories of land uses may be permitted so long as the resulting development does not exceed the trip generation thresholds (see sub-section 4(a) below) reviewed in the Planned Action EIS and does not exceed the proportions or minimums noted in sub-section 2(a) above.

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

(4) *Transportation.*

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

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

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

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

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

(d) *Transportation Improvements.*

(i) *Intersection Improvements.* The Planned Action will require off-site transportation improvements identified in Exhibit B to mitigate significant impacts. These transportation improvements have been analyzed in the Planned Action EIS. The City Public Works Director shall have the discretion to adjust the allocation of responsibility for required improvements as between individual planned action projects based on their identified impacts. Significant changes to the City's transportation improvement plan proposed as part of any Planned Action Project that have the potential to significantly increase impacts to air quality, water quality, fisheries resources, noise levels or other factors beyond the levels analyzed in the Planned Action EIS may require additional SEPA review.

(ii) *Transportation Management Program.* The owners or operators of development projects within Areas A and C shall prepare and implement Transportation Management Programs (TMP) as a means to encourage alternatives to single-occupant vehicles including transit and to thereby reduce traffic generation and parking demand. The TMP for Area A shall include the TMP elements identified in the transportation mitigation measures in the Planned Action EIS, attached as Exhibit C to this ordinance. The City Public Works Director shall have the discretion to modify the individual elements of a TMP as a means to accomplish its objectives and to enhance its effectiveness.

(iii) **Parking Management.** Parking to support development within Areas A and C shall be provided as required by Kirkland Zoning Code Chapter 105. Consistent with the incentive provision of 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 facilities are identified in Exhibit B. The City Public Works Director shall have the discretion to determine and allocate responsibility for required improvements as between individual Planned Action projects.

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

(6) **Additional Mitigation Fees.** The City may adopt and apply such other fees as may be deemed necessary and appropriate to mitigate impacts to other capital facilities in the City and to accommodate planned growth. Such fees, if adopted, shall be in addition to the fee required in item (4)(e) of this subsection, and shall apply only to required improvements that are not addressed in this subsection.

**E. Planned Action Review Criteria.**

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

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

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

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

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

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

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

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

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

F. Effect of Planned Action.

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

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

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

G. Planned Action Permit Process. The City's Planning and Community Development Director or designee shall review projects and determine whether they meet the criteria as

Planned Actions under applicable state, federal, local laws, regulations, codes and ordinances. The procedures shall consist, at a minimum of the following:

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

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

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

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

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

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

(7) Projects that fail to qualify as Planned Actions may incorporate or otherwise use relevant elements of the Planned Action EIS, as well as other relevant SEPA documents, to assist in meeting SEPA requirements. The SEPA Responsible Official may limit the scope of SEPA review for the non-qualifying project to those issues and environmental impacts not previously addressed in the Planned Action EIS.

H. Development Agreements. The City or an applicant may request consideration and execution of a development agreement for a Planned Action project. The development agreement may address the following: review procedures applicable to a planned action project; permitted

uses; mitigation measures; construction, financing and implementation of improvements, including methods of financing and proportionate shares, and latecomers agreements; payment of impact fees; phasing; and any other topic that may properly be considered in a development agreement consistent with RCW 36.70B.170 et seq.

**I. Monitoring and Review.**

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

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

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

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

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

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

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

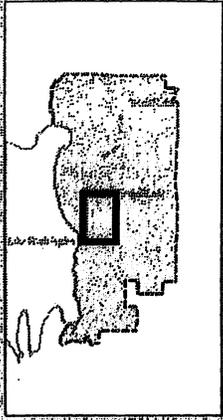
Signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
MAYOR

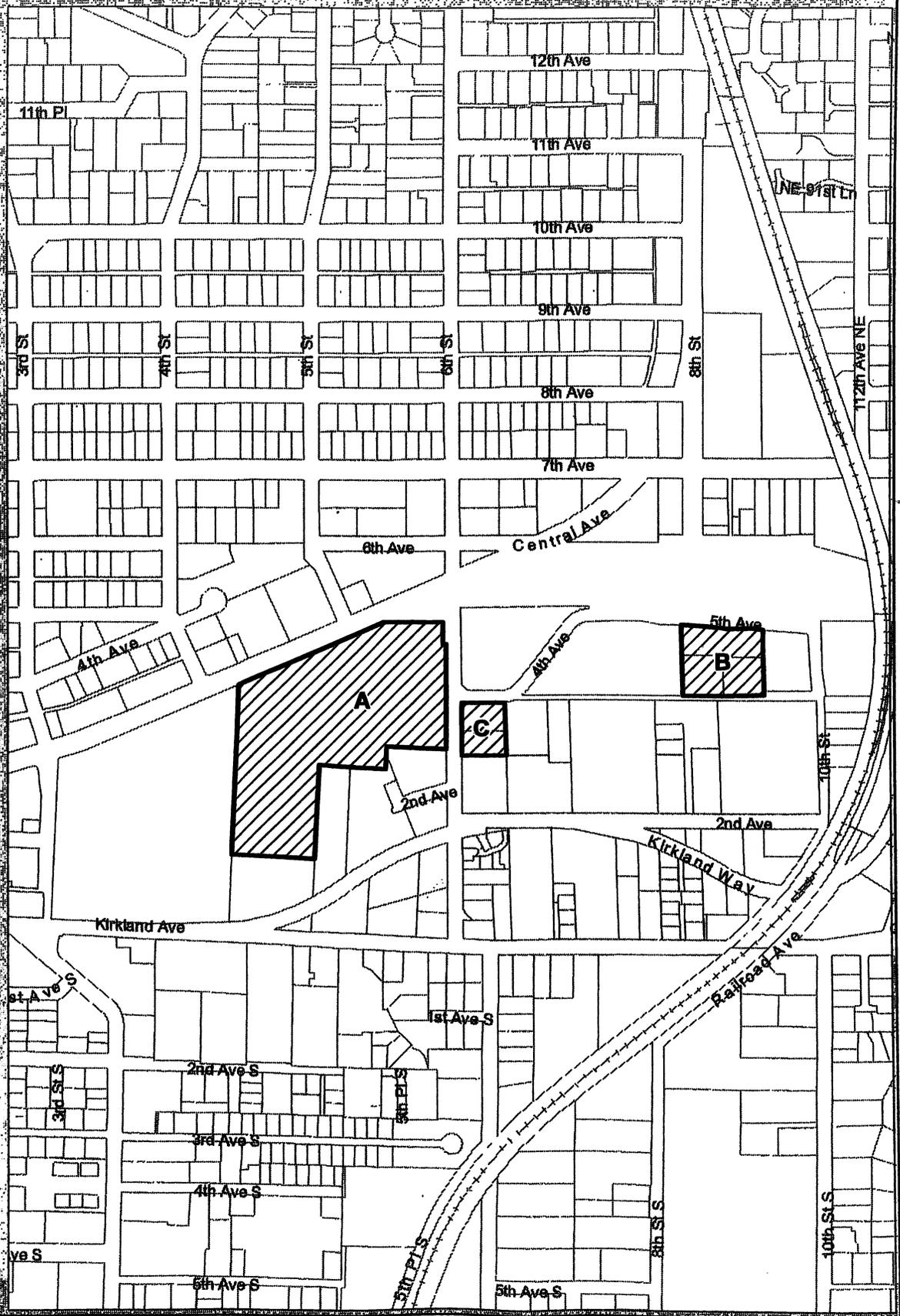
Attest:

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

# Vicinity Map



Vicinity Map



### Map Legend

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



Map prepared by City of Kirkland, Washington  
 Planning & Development Department  
 1000 1st Ave S, Kirkland, WA 98033  
 Phone: (206) 835-3333

# 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	
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.				X			X		X
109	NE 85th Street/14th Avenue NE	Restripe southbound dual left and eastbound right to through conversion.	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		
169	6th Street/7th Avenue	Add left turn lanes on northbound				X			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
169	6th Street/7th Avenue	and southbound approaches Add northbound approach left turn lane					X				
202	100th Avenue NE/NE 124th Street	Modify the signal phase to be the same as during AM peak period, with northbound and southbound 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 7th 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 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 transportation

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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.

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

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

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

### **Parking Management Measures**

Parking management measures shall be implemented along with the TMP to ensure that parking is shared among the various land uses, to reduce drive alone commute trips and to prevent parking

from being used by commuters to other businesses or the transit center (also known as “hide and ride”). The following measures shall be implemented:

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

unacceptable off-site parking attributable to the project occurs, the site will be required to implement additional measures outlined in the *Remedy* section.

## Monitoring

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

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

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

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

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

## Remedy

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

- Modify on-site parking management programs to eliminate spillover.
- Increase distribution of transit passes. This may extend to all employees within the site.
- Increase incentives for employees who walk or bike to work.

- Increase incentives for carpools.
- Change the price of parking.
- Modify Phase Two construction to either limit the amount of building space constructed or increase parking for the site.
- Post parking time limits on affected streets.
- Provide off-site parking and shuttle services.

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

PUBLICATION SUMMARY  
OF ORDINANCE NO. 4175

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND PLANNING; ESTABLISHING A PLANNED ACTION FOR TWO AREAS IN THE MOSS BAY NEIGHBORHOOD GENERALLY LOCATED EAST OF PETER KIRK PARK, SOUTH OF CENTRAL WAY/NE 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.

SECTION 1. Explains purpose of the Planned Action.

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

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

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

SECTION 5. Provides a severability clause for the ordinance.

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

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

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

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

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

# APPENDIX C

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BEFORE THE CENTRAL PUGET SOUND  
GROWTH MANAGEMENT HEARINGS BOARD  
STATE OF WASHINGTON

DAVIDSON SERLES & ASSOCIATES, and T.R.  
CONTINENTAL PLAZA CORP.,

Petitioners,

v.

CITY OF KIRKLAND,

Respondent,

and

TOUCHSTONE CORPORATION and  
TOUCHSTONE KPP DEVELOPMENT, LLC,

Intervenor.

Case No. 09-3-0007c

*(Davidson Serles)*

**ORDER FINDING CONTINUING  
NONCOMPLIANCE AND SETTING  
EXTENDED COMPLIANCE SCHEDULE**

19 THIS Matter comes before the Board upon the Motion of City of Kirkland to Extend  
20 Compliance Period.<sup>1</sup> The City states that it cannot complete the required SEPA analysis on  
21 the schedule required in the Board's Final Decision and Order. The City requests a 180-day  
22 extension of the compliance period. Petitioners Davidson Serles and T.R. Continental Plaza  
23 oppose the Motion.<sup>2</sup> Intervenor Touchstone supports the City.<sup>3</sup>  
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30 <sup>1</sup>City Motion to Extend Compliance Period, with Declaration of Eric Shields, Feb. 22, 2010; City's Reply to  
31 Petitioners' Response to Motion to Extend Compliance Period, Mar. 5, 2010.

32 <sup>2</sup> Petitioners' Response to City of Kirkland's Motion to Extend Compliance Period, Mar. 1, 2010.

<sup>3</sup> Touchstone Response to City's Motion, Feb. 24, 2010; Touchstone Reply to Petitioners' Response, Mar. 2,  
2010.

1 The Board convened a Compliance Hearing telephonically on March 8, 2010.<sup>4</sup> The Board  
2 heard argument from the parties and requested additional information from the City  
3 concerning its efforts toward compliance in the first three months after issuance of the  
4 FDO.<sup>5</sup>

5  
6  
7 Upon review of the submissions of the parties and consideration of their arguments and  
8 authorities, the Board enters the following Order:

9  
10 **DISCUSSION**

11 The Final Decision and Order (FDO) in this case was issued October 5, 2009. The Board  
12 found compliance except in two respects:

- 13 • The City did not comply with RCW 36.70A.070 (preamble), .070(3)(b,c) and  
14 .070(6)(a)(iv) as set forth under Legal Issues 1 and 2.  
15 • The City's SEPA review was deficient as set forth under Legal Issue 4B.

16 The Board remanded the Ordinances to the City and established a 180-day compliance  
17 schedule, setting April 5, 2010 as the deadline for the City to take appropriate legislative  
18 action.

19  
20 RCW 36.70A.300(3) requires the Board to set a date for compliance if it makes a finding of  
21 noncompliance on any matter.

22  
23 In the final order, the board shall either:

- 24 (a) Find that the state agency, county, or city is in compliance with the  
25 requirements of this chapter, ..., or chapter 43.21C RCW as it relates to  
26 adoption of plans, development regulations, and amendments  
27 thereto...; or  
28 (b) Find that the state agency, county, or city is not in compliance with the  
29 requirements of this chapter ... or chapter 43.21C RCW as it relates to  
30 adoption of plans, development regulations, and amendments thereto,  
31 ..., in which case the board shall remand the matter to the affected

32  
<sup>4</sup> In attendance for the City, Robin Jenkinson and planners Eric Shields, Jeremy McMann and Angela Ruggieri;  
for Touchstone, Rich Hill, and for Petitioners, Jeffrey Eustis and David Mann.

<sup>5</sup> Cover letter of Robin Jenkinson, Mar. 10, 2010, attaching Declaration of Eric Shields, and four exhibits.

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state agency, county, or city. The board shall specify a reasonable time not in excess of one hundred eighty days, or such longer period as determined by the board in cases of unusual scope or complexity, within which the state agency, county, or city shall comply with the requirements of this chapter. The board may require periodic reports to the board on the progress the jurisdiction is making towards compliance.

In issuing the FDO in this case, the Board recognized that the SEPA process has built-in comment and hearings requirements, such that remand for SEPA compliance would likely require the full 180-day period. Nevertheless, the Board found no basis for a determination of unusual scope and complexity in the actions needed to bring the City's handling of this single project into compliance.<sup>6</sup> However, the City has launched a compliance process that will take until October 5, 2010.

~~In support of its request for an extension of time to achieve compliance, the City states, first, that it will amend its Capital Facilities and Transportation Elements to include all necessary capital improvements and a multi-year financing plan based on the ten-year transportation needs identified in the Comprehensive Plan. The City indicates that because this amendment will go beyond the projects connected with the Ordinances at issue in this case, additional time is needed.~~

Secondly, the City states that it has contracted with a consulting firm to develop an EIS with additional alternatives for the Touchstone proposal. The EIS timeline would allow legislative action by October 5.

Petitioners questioned an apparent three-month delay by the city in launching the EIS work. Petitioners also object to the City's concurrent processing of design review for the

~~A City may, within its discretion, choose to do more than the minimum necessary to comply with an order of the Board.~~

1 Touchstone project. They point out that delay in compliance frustrates the purpose for  
2 required environmental review.<sup>7</sup>

3  
4 The Board notes that the City has provided documentation that it began its compliance  
5 work promptly and with reasonable diligence. The City promptly notified the Board and the  
6 parties of its request for an extended compliance deadline. The City has committed its staff  
7 and consultant to a timeline for completion and Council action.  
8

9  
10 In this matter, the Board concludes that the additional time requested for compliance is  
11 reasonable. The Board will require the City to file periodic compliance reports as indicated  
12 in RCW 36.70.300(3)(b).  
13

14 **ORDER**

15 Based on the foregoing, and on the briefs, arguments and submissions of the parties, the  
16 Board enters a finding of continuing noncompliance. The Board further finds that the City's  
17 request for an additional 180 days to achieve compliance is reasonable, and the City's  
18 motion is hereby GRANTED.  
19

20  
21 The following schedule shall apply to achieving compliance:

22 First Compliance Status Report	May 24, 2010
23 Second Compliance Status Report	August 5, 2010
24 Compliance Due	October 5, 2010
25 Compliance Report and Index to the Record Due 26 (City to file and serve on all parties)	October 18, 2010
27 Any Objections to a Finding of Compliance Due	October 25, 2010

28  
29  
30 <sup>7</sup> At the Compliance Hearing, the Presiding Officer pointed out that the Board may issue a determination of  
31 invalidity when compliance is unreasonably delayed such that the purposes of the Act are frustrated. See, e.g.,  
32 *KCRP VI v. Kitsap County*, CPSGMHB Case No. 06-3-0007, Order Finding Partial Compliance [Re: Kingston  
Sub-Area Plan], and Order of Continuing Noncompliance and Invalidity [Re: Kingston Wastewater Facilities  
Plan], Mar. 16, 2007.

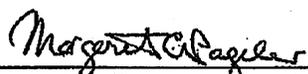
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City's Reply Due	October 29, 2010
Compliance Hearing (location to be determined)	November 4, 2010

SO ORDERED this 12th day of March, 2010.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

  
David O. Earling, Board Member

  
Margaret A. Pageler, Board Member

**CPSGMHB Case No. 09-3-0007c**  
*Davidson Series, et al v. City of Kirkland*  
**DECLARATION OF SERVICE:**

I certify that I mailed a copy of the **Order Finding Continuing Noncompliance and Setting Extended Compliance Schedule** to the persons and addresses listed hereon, postage prepaid, in a receptacle for United States mail at Seattle, Washington, on **March 12, 2010.**

Signed: *Linda Kewstover*

<p><i>Pr. 206/625-9515 phone 206/682-1376 fax</i> <i>Davidson Series &amp; Associates, Petitioner</i> <i><u>Eustis@aramburu-eustis.com</u></i> <i>Jeffrey M. Eustis</i> <i>Aramburu &amp; Eustis, LLP</i> <i>720 Third Avenue, Suite 2112</i> <i>Seattle, WA 98104</i></p>	<p><i>Res. 425/587-3031 phone</i> <i>R.Jenkinson@ci.kirkland.wa.us</i> <i>Dave Ramsey, Kirkland City Manager</i> <i>and/or</i> <i>Robin Jenkinson, Kirkland City Attorney</i> <i>123 Fifth Avenue</i> <i>Kirkland, WA 98033-6183</i></p>
<p><i>Pr. 206/621-8868 phone 206/621-0512 fax</i> <i>TR Continental Plaza Corp., Petitioner</i> <i><u>Mann@Gendlermann.com</u></i> <i>David S. Mann</i> <i>Gendler &amp; Mann, LLP</i> <i>1424 Fourth Avenue, Suite 715</i> <i>Seattle, WA 98101</i></p>	<p><i>Int. 206/812-3388 phone 206/812-3389 fax</i> <i>Touchstone Corporation and Touchstone KPP Development LLC</i> <i><u>Rich@mhseattle.com; Jessica@mhseattle.com</u></i> <i>G. Richard Hill/Jessica M. Clawson</i> <i>McCullough Hill, P.S.</i> <i>701 Fifth Avenue, Suite 7220</i> <i>Seattle, WA 98104</i></p>