



## **MEMORANDUM**

**To:** Design Review Board

**From:** Angela Ruggeri, AICP, Senior Planner

**Date:** December 6, 2010

**Subject:** **DESIGN RESPONSE CONFERENCE #27**  
**TOUCHSTONE (PARKPLACE)**  
**FILE NO. DRC09-00002**

### **I. RECOMMENDATION**

Approve the attached report outlining the Design Review Board's decision on the Touchstone (Parkplace) project, File No. DRC09-00002.

### **II. INTRODUCTION**

Touchstone's proposal is for design review of a 1.8 million sq. ft. mixed-use project that includes 1.2 million sq. ft. of office space and an additional 300,000 sq. ft. of retail. Other uses include a hotel and athletic club. All buildings and the site plan have now been reviewed by the Design Review Board and received public comment over 25 previous meetings. The DRB closed the conference to public comment on October 4, 2010 to allow final deliberations by the DRB.

The approved Master Plan has established the building and open space locations, access points and grid for the internal road system. The zoning specifies building heights, setbacks and other development parameters. The Design Review Board (DRB) is completing its work with the applicant on the design of the buildings and open spaces. The approved Design Guidelines for Parkplace have been used by the DRB to guide this process.

*\*\*Please bring your copy of the Master Plan and Design Guidelines for Parkplace to the meeting on 12/13/10.*

### **III. DESIGN REVIEW BOARD FINAL DECISION**

The Design Review Board will issue a final written decision. This decision will have the applicant's final submittal package for Kirkland Parkplace as an attachment. The Board reviewed the format of the final decision report at their October 4, 2010 meeting and the applicant's draft final submittal package at their November 15, 2010 meeting. The final decision report is included as

Attachment 1 to this memo and the applicant's final submittal package has been included as Attachment 2. These documents have been updated to include all DRB comments. The DRB final decision outlines conditions of approval to be included in addition to the applicant's submittal package.

The DRB discussed the following items in the final submittal package at their 11/15/10 meeting and gave staff and the applicant directions on needed edits to the document. In addition, the DRB reviewed the notes in the applicant's submittal package and determined which guidelines and project components merited further discussion in the final decision. Comments from the discussion were used by staff to complete the DRB final decision.

- Flexibility in final decision - Since the project will be built over an extended period of time, it is important to recognize that some details of the design will change. Section 142.50 establishes the criteria for modifications that can be approved by the planning official after the project has received design response approval. If a modification does not meet the criteria in section 142.50, it must be reviewed and decided upon by the DRB as a new design response application under section 142.35 of the Zoning Code.
- Site Area Square Footage Breakdown (Page MP-6 of Master Plan and Design Guidelines – Site Area graphic) – the actual figures for building square footages, open space, uses, etc. have been added to the appendix of the applicant's final submittal package.
- Pedestrian Space Measurements (Page MP-7 of Master Plan and Design Guidelines) – the actual figures for this breakdown have been added to the appendix of the applicant's final submittal package.
- Measurements between Buildings B and C (Page B-2 of applicant's submittal package – drawings numbered 5 and 6) – the drawings show the exact measurements between these buildings. These measurements have been specified as minimums.
- Distance between Buildings A and B – This distance has been included in the applicant's submittal package with the minimums specified.
- Building Design: 2.b Massing/Articulation (Page M6 of the applicant's submittal package) The explanation under Note 1 has been edited to include DRB comments.
- Gateway District: Site Planning #4 - Atrium/Breezeway Space (Page M10 of the applicant's submittal package) – The explanation under "Comments" has been edited to include DRB comments.
- Color & materials - The report indicates that some variation in color and materials should be expected due to availability, obsolescence, etc.

### **Master Plan Modification:**

Page PO-4 in the Policy Overview section of the Master Plan and Design Guidelines for Parkplace contains Section 5 - Modifications. This section states that a major modification to the Master Plan is one which substantially alters 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 require a staff review for consistency with the Comprehensive Plan and City Council approval. There are no proposed major modifications.

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: façade treatments, street design variation, character/design detail of public spaces, or minor variations in design of sidewalks, pathways, lighting and landscaping. The DRB 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.

The minor variations to the Parkplace Master Plan that were granted by the DRB are listed below and included in the final decision.

- Gateway District: 2. Upper Levels, b. Step backs (Page A11 of the applicant’s submittal package). This guideline states that Building A should have a modulated step back incorporated after the third level (approximately 50’) on the building façade along Central Way. It also says that this step back can vary in depth from 0-10 feet, as long as the upper levels of the building appear to be receding from the base. The DRB allowed minor modifications to this guideline as shown on pages A7 and A8 of the applicant’s submittal package.
- Gateway District: 2. Upper Levels, c. Top Floor/Roof Edge (Page M11 of the applicant’s submittal package). This guideline states that Building A should have a distinct profile against the sky through elements such as projections, overhangs, cornices, step backs, trellises, changes in material or other elements. The DRB allowed minor modifications to this guideline as explained in the “Comment” section on page M11.
- Revised street sections shown on Pages L23 through L29 – Pages MP-8 through MP-14 of the Master Plan and Design Guidelines show the various types of streets anticipated in the project. This section allows for some adjustment in the final design as long as access is in compliance with city codes and policies for public improvements and emergency access. The applicant has highlighted the adjustments in green on pages L23 through L29. The Public Works Department has reviewed and approved these adjustments.

**Minor Variations (Zoning Code Section 142.37):**

Section 142.37 of the Zoning Code provides a mechanism for requesting minor variations from requirements in certain zones, including minimum required yards in the CBD zone. The DRB may grant a minor variation only if it finds that the following requirements are met:

- a. The request results in superior design and fulfills the policy basis for the applicable design regulations and design guidelines;
- b. The departure will not have any substantial detrimental effect on nearby properties and the City or the neighborhood.

There is one minor variation from required yards for the project.

- Building F – 15’ Stair landing/overlook projection into required park setback yard – the DRB has determined that this minor variation in the setback requirement is consistent with the above criteria since it provides a place to pause; livens up that side of the building; is a visual cue; and is also an open feature (see page F3 of the applicant’s submittal package).

#### **IV. PHASING PLAN**

The Master Plan and Design Guidelines for Parkplace include a brief section on the phasing for the project (see Page PO-4, Section 6). The DRB has also directed staff to add the following direction to the final report.

Adjacent right-of-way and on-site landscape/open space improvements shall be installed concurrent with the construction of each building. A plan for the surrounding improvements shall be included with each permit application and shall extend to a logical point from a functional and design perspective.

Each permit application shall provide a fully functional project and be integrated with the previous phases of the development. Edge conditions between completed and future phases must be resolved.

#### **V. DESIGN REVIEW BOARD APPROVAL EXTENSION:**

Section 142.55.1 of the Zoning Code states that:

Unless otherwise specified in the decision granting DR approval, the applicant must begin construction or submit to the City a complete Building Permit application for development of the subject property consistent with the Design Review approval within one (1) year after the final decision to grant the DR approval or that decision becomes void. Furthermore, the applicant must substantially complete construction consistent with the DR approval and complete all conditions listed in the DR approval decision within three (3) years after the final decision on the DR approval or the decision becomes void. Application and appeal procedures for a time extension are described in Sections 142.55.2 and 142.55.3.

The DRB has determined that given the size of the project, the planned action designation, and the fact that it will be constructed in phases over a period of years, this approval shall be valid for the duration of the Planned Action Ordinance (Ordinance #4175 or its successor) or 10 years whichever is greater, provided that the first building permit application is submitted no later than 5 years following the date of this approval. Application and appeal procedures for a time extension as described in Sections 142.55.2 and 142.55.3 of the Zoning Code will also apply.

**VI. REMAINING STEPS IN THE DRB PROCESS:**

December meeting: The edited final report and attached “Kirkland Parkplace – DRB Final Submittal \ 13 Dec 2010” including adjustments that were directed by the DRB will be discussed. The Design Review Board will then make the final decision on the Parkplace project.

Attachment:

1. DRB final decision
2. Kirkland Parkplace – DRB Final Submittal - 13 December 2010



**CITY OF KIRKLAND**  
**Planning and Community Development Department**  
 123 Fifth Avenue, Kirkland, WA 98033 425.828.1257  
 www.ci.kirkland.wa.us

## DESIGN REVIEW BOARD DECISION

**DATE:** December 13, 2010  
**FILE NO.:** DRC09-00002  
**PROJECT NAME:** Parkplace  
**APPLICANT:** Touchstone  
**PROJECT PLANNER:** Angela Ruggeri, Senior Planner

### I. SUMMARY OF DECISION

The Design Review Board (DRB) hereby approves the plans for the proposed Parkplace project shown in the attachment titled *Kirkland Parkplace-DRB Final Submittal-13 December 2010* and subject to the following. This application is also subject to the applicable requirements contained in the Kirkland Parkplace Mixed Use Development Master Plan and Design Guidelines, Kirkland Municipal Code, Zoning Code, Building and Fire Code and the Planned Action Ordinance. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these documents.

- A As part of the application for a building permit, the applicant shall submit for administrative review construction plans demonstrating compliance with the project plans approved by the DRB (see Attachment).
- B In addition to the section on the phasing for the project in the Kirkland Parkplace Mixed Use Development Master Plan and Design Guidelines (Page PO-4, Section 6), each building permit application shall include plans demonstrating that:
  - 1. Adjacent right-of-way and on-site landscape/open space improvements shall be installed concurrent with the construction of each building. A plan for the surrounding improvements shall be included with each permit application and shall extend to a logical point from a functional and design perspective as determined by the planning official; and
  - 2. Each permit or project phase shall provide a fully functional project and shall be integrated with the previous phases of the development. Edge conditions between completed and future phases must be resolved.
- C Prior to issuance of an occupancy permit for each building or phase of the project, the applicant shall schedule a final inspection by the Department of Planning and Community Development to verify compliance with the approved design plans.
- D The Planning Official may approve a modification to the DR approval for the proposed development if it meets the criteria in Section 142.50 of the Zoning Code. Any other

proposed modification, shall be reviewed and decided upon by the Design Review Board as a new DR application under Chapter 142 of the Zoning Code.

- E. Proposed modifications to the Master Plan shall be reviewed to meet the criteria of Section 5. Modifications of the Kirkland Parkplace Mixed Use Development Master Plan and Design Guidelines (Page PO-4).

## **II. DESIGN RESPONSE CONFERENCE MEETINGS**

### **A. Background Summary**

The DRB held 28 meetings to discuss the Parkplace project in 2009 and 2010. A Conceptual Design Conference was held at the February 2, 2009 Design Review Board meeting. At that meeting the DRB reviewed the newly adopted Zoning, and Master Plan and Design Guidelines for the project and provided feedback to the applicant on design concepts. The DRB also determined the structure of the DRB review process for the entire development.

The Design Response Conference was held over a series of 27 meetings in 2009 and 2010. The Board reviewed each building and site improvement in the project separately and also reviewed the relationship of the individual project components to the entire development.

### **B. Public Comment**

Public comment was taken at the first 25 Design Response Conference meetings. The DRB closed the conference to public comment on October 4, 2010 to allow final deliberations by the DRB. All public comment letters and e-mails received during the period that the Design Response Conference meetings were held were forwarded to the Board for consideration in addition to the oral comment given at the public meetings. All written comments are contained in the City's official file. Oral comments are available on the City's Design Review Board webpage.

## **III. DESIGN REVIEW BOARD DISCUSSION AND CONCLUSIONS**

Documentation of all approved plans and their compliance with the Kirkland Parkplace Mixed Use Development Master Plan and Design Guidelines is included as an attachment to this report. Below is a summary of the key issues and conclusions reached by the Design Review Board during the Design Response Conference process. For more background on these issues see staff advisory reports from the design response conference contained in File DRC09-00002 and also on the City's Design Review Board webpage.

### **A. Master Plan Modifications**

Page PO-4 in the Policy Overview section of the Master Plan and Design Guidelines for Parkplace contains Section 5 - Modifications. This section states that a major modification to the Master Plan is one which substantially alters 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 require a staff review for consistency with the Comprehensive Plan and City Council approval. There are no proposed major modifications.

Section 5 – Modifications also addresses minor modifications to the Master Plan as any proposal that would result in a change that would not substantially alter the Plan's proposed development such as: façade treatments, street design variation, character/design detail of public spaces, or minor variations in design of sidewalks, pathways, lighting and landscaping. The DRB 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.

The following minor variations to the Parkplace Master Plan are approved by the DRB:

1. Design Guideline: Gateway District, Building Design, 2. Upper Levels, b. Step backs (Page M11 of Attachment). *A modulated step back should be incorporated after the third level (approximately 50') on the building façade along Central Way. This step back can vary in depth from 0-10 feet, as long as the upper levels of the 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.*

The DRB allowed minor modifications from this guideline for Building A which meet the criteria as follows (see pages A7 and A8 of Attachment).

- a. The variation is consistent with the intent of the guideline and results in superior design.

The DRB relaxed the requirement that the step back occur uniformly above the 3<sup>rd</sup> floor, to allow for a superior design which addresses the important corner at 6<sup>th</sup> and Central Way, as well as the entry to the site to the west of the building. The design incorporates the 10' step back at various levels along the entire Central Way façade and also provides strong modulation while visually minimizing the height of the building. The intent of the guideline is met because the "upper levels of the building appear to be receding from the base."

- b. The departure will not result in any substantial detrimental effect on nearby properties or the neighborhood.

The design does not result in any substantial detrimental effect on nearby properties or the neighborhood. The DRB concludes that the departure allows a building which appropriately addresses the corner of 6<sup>th</sup> and Central Way, and transitions into the entry to the site to the west of Building A. Both of these features are important to the surrounding properties and to the neighborhood.

2. Design Guideline: Gateway District, Building Design, 2. Upper Levels, c. Top Floor/Roof Edge (Page M11 of Attachment). *Should have a distinct profile against the sky through elements such as projections, overhangs, cornices, step backs, trellises, changes in material or other elements.*

The DRB allowed minor modifications from this guideline for Building A which meet the criteria as follows (see pages A1 and A2 of Attachment).

- a. The variation is consistent with the intent of the guideline and results in superior design.

The contemporary design of Kirkland Parkplace does not make use of the traditional cornices, overhangs, or other means of articulation but instead considers the sculptural form of the building as a whole and provides for a superior design overall. The combination of massing, materiality, and detailing around the building provides a rich and varied experience for the pedestrian. The DRB permitted flexibility by allowing the design team to achieve the intent of this guideline through the use of major massing moves and material changes of the façade to break up the linear edge without the use of the traditional roof edge treatments.

- b. The departure will not result in any substantial detrimental effect on nearby properties or the neighborhood.

This flexibility in design does not result in any substantial detrimental effect on nearby properties or the neighborhood. Instead, it provides for a building design which adds interest to the new development and the neighborhood as a whole.

3. Revised street sections shown on Pages L23 through L29 – Pages MP-8 through MP-14 of the Master Plan and Design Guidelines show the various types of streets anticipated in the project. This section allows for some adjustment in the final design as long as access is in compliance with city codes and policies for public improvements and emergency access.

Adjustments are highlighted in green on pages L23 through L29 of the Attachment to this decision. The Public Works Department has reviewed and approved these adjustments. The DRB allowed minor modifications to the street development standards which meet the criteria as follows.

- a. The variation is consistent with the intent of the guideline and results in superior design.

These adjustments are consistent with the intent of the guidelines and result in superior design by providing increased sidewalk widths, increased planted areas, an improved parking garage ramp location under Building C, added parallel parking, improved pedestrian crossings and various other design improvements that are outlined in detail for each revised street section in the Attachment.

- b. The departure will not result in any substantial detrimental effect on nearby properties or the neighborhood.

Those adjustments which relate to the exterior of the site and which could therefore have an impact on neighboring properties have been considered in detail by the DRB and staff to be sure that they will not have a detrimental effect on those properties or the neighborhood.

## **B. Minor Variations (Zoning Code Section 142.37)**

Section 142.37 of the Zoning Code provides a mechanism for requesting minor variations from requirements in certain zones, including minimum required yards in the CBD zone. The DRB may grant a minor variation only if it finds that the following requirements are met:

- a. The request results in superior design and fulfills the policy basis for the applicable design regulations and design guidelines;
- b. The departure will not have any substantial detrimental effect on nearby properties and the City or the neighborhood.

There is one minor variation from required yards for the project. KZC Chapter 180, Plate 5 requires a 55' minimum yard along the west property line. The applicant proposes a minor 15' encroachment as follows:

- Building F – 15' Stair landing/overlook projection into required park setback yard (see pages F1 and F3 of Attachment).

The DRB determined that this minor variation of the 15' stair landing/overlook projection in the setback requirement is consistent with the above criteria.

- a. The request results in superior design and fulfills the policy basis for the applicable design regulations and design guidelines;

The request results in a superior design which provides a place for pedestrians to pause as they make their way from the park level up to the rooftop garden on Building F. The landing livens up the design of the west side of the building and serves as a visual cue for access to the public rooftop terrace. The design of the landing is open to avoid the perception of any substantial mass encroaching into the setback.

- b. The departure will not have any substantial detrimental effect on nearby properties and the City or the neighborhood.

The departure does not have any substantial detrimental effect on the adjacent properties or the neighborhood. In fact, it acts as a visual cue to people in Peter Kirk Park that there is additional open space available on top of Building F and also leads them into the new development.

## **C. Additional Design Discussion**

The DRB has spent considerable time discussing the following aspects of the design although they did not require any modifications to the Master Plan or the minimum required yards. The key discussion points are included below.

1. Design Guideline: All Districts, Building Design, 2.b Massing/Articulation (Page M6 of Attachment) – *All building faces should be responsive to the context of the surrounding environment and neighboring buildings.*

The existing context surrounding Kirkland Parkplace varies, ranging from one-story retail on Central Way to offices on 6<sup>th</sup> Street, to a mix of multi-family residential and office buildings to the south. The design of Kirkland Parkplace incorporates masonry elements in the form of terra cotta panels and utilizes high quality metal panels and composite panels. Contextual cues to the surroundings include building height and scale. The northern edge of the site relates to the varied scale of the adjacent properties with a major step back above the first level on the northwest end of the site. On the northeastern and eastern end of the site, the design incorporates step-backs above the 6<sup>th</sup> floor in many places in response to the surrounding buildings. The masonry elements around the northeastern, eastern and southwestern portions of the site feature a two-story module to reduce the apparent height and mass of the buildings. Building E incorporates major modulation, setbacks and step backs above the 4<sup>th</sup> floor on the east, south and west sides to be sympathetic to the neighboring properties as well as the park. Building F continues a lower-scaled edge along the park and provides a transitional massing between Peter Kirk Park and Building D.

2. Design Guideline: Gateway District, Site Planning #4 - Atrium/Breezeway Space (Page M10 of Attachment) – *Create a pedestrian connection, visually open, from the corner of 6<sup>th</sup> and Central Way into the heart of the project...*

This visual connection is established at the pedestrian level with a large cutback portion of the first 2 floors along the breezeway and the inclusion of an 'all glass' façade two stories in height for the retail space in this area (see Pages A1 and B1 of Attachment).

3. Building E – The DRB had many discussions relating to the design of Building E. Key points from these discussions are outlined below (see Pages E9 to E16 of Attachment for an additional summary).
  - Design Guideline: Central Retail Hub, Building Design #4 (Page M15 of Attachment) – *Buildings located in the southern most portion of the site should provide generous and substantial modulation in response to their proximity to neighboring buildings, including:*
    - *creating varied edges and visual interest on long and tall buildings*
    - *employing modulation to visually break up long facades*
    - *providing patterns of windows, bays and/or balconies that emphasize changes in modulation.*

Design of Building E was revised during the DRB review to provide additional step backs from the building base to the main (north-south) block of the building to further moderate massing from adjacent buildings to the south and southeast. The DRB concluded that these massing changes provide generous and substantial modulation in response to neighboring buildings.

Pages E9, E10 and E13 of the Attachment show the increased setbacks that were added to the design on the east, west and south sides of the building in order to provide additional modulation and space between buildings.

- Relationship to the Park (Page E1-Image 1 of Attachment) - The applicant was also encouraged to enliven the long surfaces of the building in a more playful way, given the building's adjacency to the park. The final design accomplishes this through a series of colored vertical fins across the west, north and a portion of the east façade. The design is vertically and horizontally modulated across the main (north-south) block to further break down the mass of the structure, and a diverse vocabulary of patterns, windows and materials are used to emphasize changes in modulation.
4. Color & materials - The material and color references noted on the plans reflect current products that represent the intent of the design team and the Design Review Board. Final selections may vary from those listed due to availability, obsolescence, compatibility with other materials and colors or other similar situations.

#### **IV. APPEALS OF DESIGN REVIEW BOARD DECISIONS AND LAPSE OF APPROVAL**

##### Appeals

Section 142.40 of the Zoning Code allows the Design Review Board's decision to be appealed to the Hearing Examiner by the applicant or any person who submitted written or oral comments to the Design Review Board. The appeal must be in the form of a letter of appeal and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., **xxxx**, fourteen (14) calendar days following the postmarked date of distribution of the Design Review Board's decision.

Only those issues under the authority of the Design Review Board as established by Kirkland Zoning Code 142.35(3) are subject to appeal.

##### Lapse of Approval

Section 142.55.1 of the Zoning Code states that unless otherwise specified in the decision granting D.B.R. approval, the applicant must begin construction or submit to the City a complete building permit application for development of the subject property consistent with the D.B.R. approval within one (1) year after the final decision to grant the D.B.R. approval or that decision becomes void. The applicant must substantially complete construction consistent with the D.R. approval and complete all conditions listed in the D.B.R. approval decision within three (3) years after the final decision on the D.B.R. approval or the decision becomes void. Application and appeal procedures for a time extension are described in Sections 142.55.2 and 142.55.3.

The DRB has determined that given the size of the project, the Planned Action designation, and the fact that the project will be constructed in phases over a period of years, this approval shall be valid for the duration of the Planned Action Ordinance (Ordinance #4175 or its successor) or ten (10) years, whichever is greater, provided that the first complete building permit application is submitted no later than five (5) years following the date of this approval.

## V. ATTACHMENTS

1. Kirkland Parkplace - DRB Final Submittal - 13 December 2010

## VI. INTERESTED PARTIES

The following is a list of parties that have submitted written or oral comment to the DRB:

1. Margaret Bull
2. Ken Davidson
3. Rick Grimes
4. Rob Brown
5. Bea Nahon
6. Roberta Krause
7. Manny Mankowski
8. Cynthia Smith
9. Elaine Darling
10. Brian Granowitz
11. Ross Woods
12. Julie Merken
13. Marian Luther
14. Rachel Loveall
15. Jason Sanchez
16. Lindsey Lettvin
17. Gary Levell
18. Cami Keyes
19. Patricia Knight
20. Maureen Kelly
21. Janis Rabuchin
22. Doug Waddell
23. Jeff Ridley
24. Liz Hunt
25. Ronald W. Knight, M.D.
26. Sarah Johnson
27. Michael Phillips
28. Chris Conrad
29. Kirstin Larson
30. Andrew Vort
31. Dan Kilpatric

## VII. APPROVAL

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James Truhan, Chair  
Design Review Board  
Date: \_\_\_\_\_