



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
CONTINUATION OF DESIGN RESPONSE CONFERENCE**

File No.: DRC09-00003
Project Name: Hector's Expansion
Applicant: Rick Chesmore, Chesmore/Buck Architecture
Project Planner: Jon Regala, Senior Planner
Date: October 19, 2009
Meeting Date and Place: 7:00 pm, Monday, October 19, 2009
City Hall Council Chambers
123 5th Avenue, Kirkland

I. RECOMMENDATION

The DRB should continue their deliberation on the remaining items identified at their previous meeting (see Section III below). If, after deliberation, the DRB decides that the application is consistent with the *Design Guidelines for Pedestrian Oriented Business Districts*, the DRB may make a motion to approve the project with or without conditions. The DRB may continue the meeting to a future date if the DRB determines that additional information or time is necessary to make a decision on the project.

II. BACKGROUND

The subject property is located at 118 and 124 Lake Street South. Rick Chesmore with Chesmore/Buck Architecture, representing the property owner, Stuart McLeod, has applied for a Design Response Conference for an expansion to the Hector's restaurant.

The initial Design Response Conference for this project was held on October 5, 2009. At the meeting, the applicant presented information regarding the proposed project. In addition, staff provided the DRB with background information regarding the applicable design guidelines and zoning regulations. The DRB also heard testimony from the public at that time. After the meeting, additional public comment was submitted via email and can be found in Attachment 1. The staff memo for this meeting can be found at the City's website:

http://www.ci.kirkland.wa.us/depart/Planning/DRB_Meeting_Information.htm

III. DESIGN RESPONSE

After deliberating the applicant's proposal at the October 5th meeting, the DRB determined that additional information was needed prior to making a decision on the

proposal. The applicant has submitted additional information in response to the DRB's request (see Attachment 2). Below are the nine items identified by the DRB as still needing resolution followed by a staff response:

- A. *Treat the blank wall along the project's north façade. This façade should be responsive to residential façade across the alley to the north.*

Staff Response: Attachment 2, Sheet 4.4 contains the applicant's response to this item. The applicant has proposed to mitigate the blank wall by utilizing different materials, colors, and modulation of the building façade. A gray CMU block material is used along the base of the façade while the upper stories are made up of a green exterior plaster continued from the existing Hector's building. The louvers are located on a 'bay wall' as a result of pushing the remaining façade back. The size of the 'bay wall' and louver panels reflects the residential design across the alley to the north.

- B. *Reduce the scale and heaviness of the chimney element at northern end of the project.*

Staff Response: Attachment 2, Sheet 4.3 and 4.4 shows the chimney reduced in height by 2' and reduced in length by 12'.

- C. *Reduce the scale for the exhaust louvers located at the north façade and to consider using different materials.*

Staff Response: Attachment 2, Sheet 4.4 shows the louvers placed in a 'bay wall' and the panels reduced in size. The 'bay wall' is a different color than the main façade and is made up of an exterior plaster similar to what covers the existing Hector's building.

- D. *Confirm use of existing trash area (located in City right-of-way) with the Kirkland Public Works Department.*

Staff Response: The applicant met with the Public Works Department regarding this issue. As a result of that meeting, it was determined that the trash area should be relocated onto the subject property due to the scope of the proposed expansion/development. Therefore, the applicant has proposed a new trash area on the subject property based on input from Public Works (see Attachment 2, Sheet 1.2 and 4.4). Although the revised location and design has been preliminary approved by the Public Works Department, additional approval is required by Waste Management. Since the trash enclosure design for the Bank of America project is similar and is along the same alley, it is anticipated that the new location should not be a problem.

- E. *Add plantings, walls, and/or noise baffles at east end of rooftop deck to mitigate noise from the outdoor rooftop dining area.*

Staff Response: Attachment 2, Sheet 4.3 and 4.4 shows additional planters were added to the east and south edge of the roof deck. The City has adopted the noise standards found in the Washington Administrative Code (WAC) 173-60. Based on the zoning and existing and proposed uses on and around the subject property, the maximum noise level is limited to 57 dBA at the property line from 7 a.m. to 10 p.m.

The noise level must be reduced to 47 dBA between the hours of 10 p.m. and 7 a.m. Sounds created by motor vehicles (as regulated by the State) and unamplified human voices are exempt from the maximum noise levels (see Attachment 3).

Kirkland also regulates noise as follows:

Kirkland Zoning Code Section 115.95.2 Noise – Public Nuisance – Any noise which injures; endangers the comfort, repose, health or safety of persons; or in any way renders persons insecure in life, or in the use of property, is a violation of this code.

It is uncertain that the applicant's proposal to add landscaping to the rooftop deck will mitigate any noise which may exceed the standards in WAC 173-60 or be considered as a public nuisance. Staff recommends that a noise analysis be conducted by a qualified professional acoustical engineer for noise impacts at all property lines. Mitigation for noise levels above WAC 173-60 should be recommended and incorporated into the design of rooftop deck. This information should be submitted with the building permit for this project.

- F. *Provide detailed cross section drawings (e.g. ½") to illustrate how the proposed wood storefronts, reveals, bay windows, and cornice elements vary along the western façade.*

Staff Response: Attachment 2, Sheet 5.0 contains the applicant's response to this item.

- G. *Provide detail drawings at the transitions between buildings (area over pedestrian connections/balcony areas) to show how proposed architectural styles are integrated.*

Staff Response: Attachment 2, Sheet 5.1 contains several perspective drawings which show the transition between the buildings.

- H. *Provide details of Lake Street South frontage improvements to include future location of outdoor dining areas/fencing.*

Staff Response: Attachment 2, Sheet 1.2 shows the applicants response to this item. The Kirkland Municipal Code Section 19.04 allows sidewalk cafes provided a minimum 6' unobstructed pedestrian corridor is retained. The DRB should review the information provided based on the following design guideline.

Sidewalk Width - The Storefront Activity Zone

Issue

The storefront activity zone is the most important area for improving pedestrian amenities because it offers protection, provides space for sidewalk activities, and is a transition from the public space of the sidewalk to the private space of the building.

Discussion

At least 10' of the sidewalk must be kept for pedestrian movement. In addition, there must be room for other activities that add life and interest to the street. Window shopping requires a minimum of 2'-6". Other activities require:

- *Bench for sitting: 4' min.*
- *Vendor: 4' min. (6' preferable)*
- *Outdoor dining: 6' min. (one table)*
- *Outdoor displays: 4' min. (6' preferable)*

The activity desired in the storefront activity zone can vary from property to property. This may result in a more animated sidewalk environment with protected alcoves and niches.

Guideline

New buildings should be set back a sufficient distance from the front property line a minimum of 10' to allow enough room for pedestrian movement. Wider setbacks should be considered to accommodate other sidewalk uses that would benefit their businesses and the pedestrian environment. Lighting and special paving of the storefront activity zone are also beneficial.

- I. *Revise parking lot design to add pedestrian pathway and landscaping. Landscaping should receive greater emphasis at north side where the landscaping is more visible.*

Staff Response: Attachment 2, Sheet L.1 contains the revised landscape parking lot plan for the project. Additional landscaping was added at the north end of the parking lot in several landscape islands. Along the east property line, the applicant is proposing landscaping in the City right-of-way in the location of the existing trash enclosure (to be relocated onto the subject property). The Public Works Department is okay with this proposal. A 5'-wide striped pedestrian walkway has been added to the parking lot.

IV. ATTACHMENTS

1. Public Comment
2. Applicant's Design Response
3. WAC 173-60

Jon Regala

From: Ken Clements [ken@clements.net]
Sent: Wednesday, October 07, 2009 4:03 PM
To: Jon Regala; Jeremy McMahan
Subject: More feedback on the Hector's project

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for engaging the public on the proposal to expand the Hector's complex. I would like to express concerns I have about the rooftop.

I am a resident at the Portsmouth Condominiums, and it was interesting to learn that Kirkland regulations require street noise to be below 47 decibels after 10pm (and 57dB before that). I regularly hear sounds inside my unit (I'll acknowledge that the windows are partially open at the times I'm referring to) after 10pm from the bars along Kirkland Avenue. If a normal conversation is measured at 60dB (I'm using [this website](#) as my reference, but have found others to corroborate that level: [here](#) and [here](#)) then I don't think I should be able to hear music or people sounds from inside my condo 100-150 yards away (even if my windows are wide open!).

That noise increased when the old Bank of America building was demolished and I suspect it will **decrease** when the new BofA building goes up (in fact, the noise level in my condo may be much better after that building goes up). So, perhaps I should consider filing a complaint about the noise... but I expect the problem to go away for me. It will likely be an issue (and a greater one at that) for the residents of the new BofA building. But that's not the point of my mail to you.

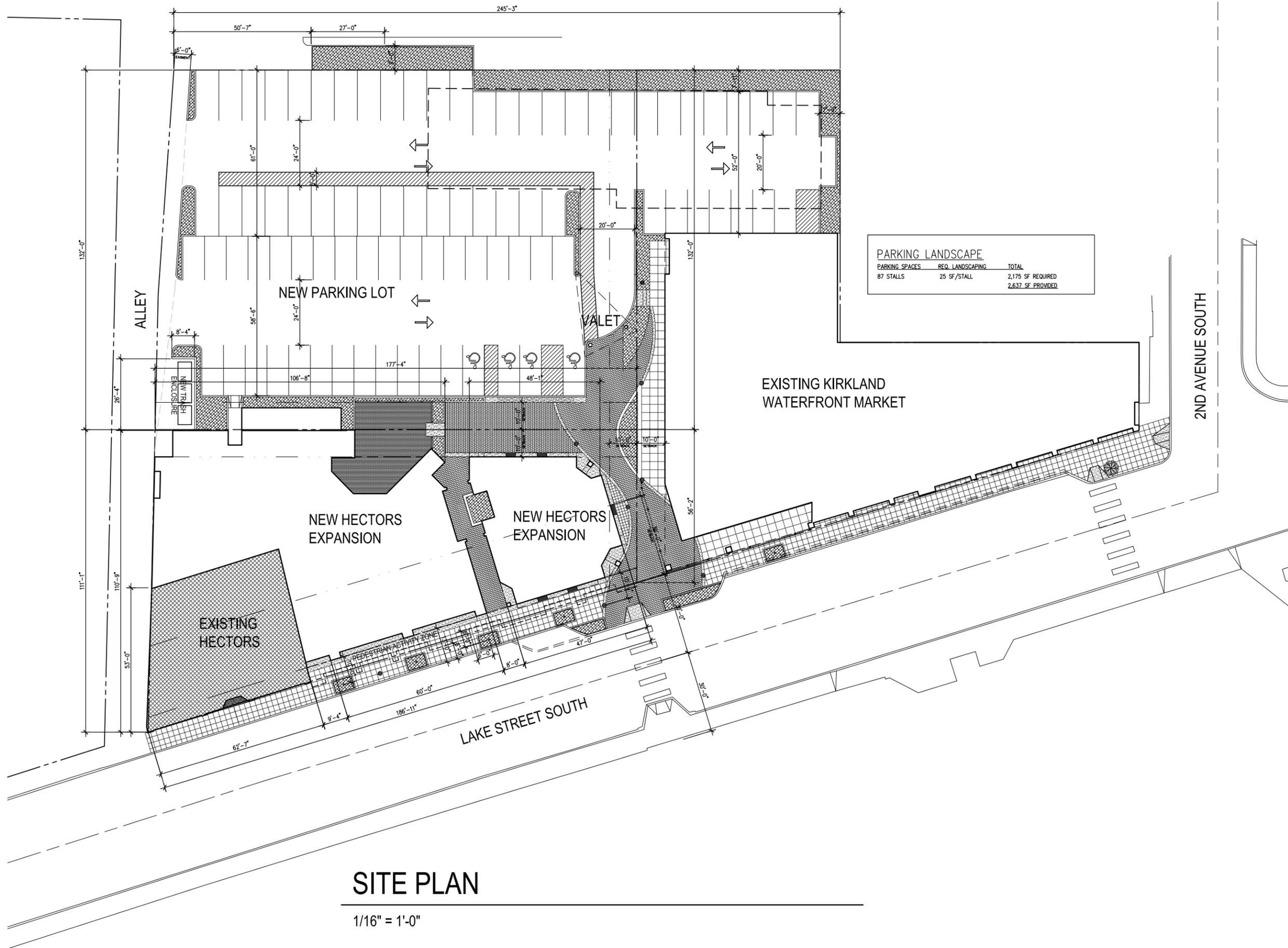
I'm very concerned about noise from the rooftop dining at Hector's, given the building is surrounded by residential condos at that elevation. The 47dB and 57dB measurements have to be taken at street level, and so if one were to do so – I wonder if it's a true measurement of how loud the rooftop noise would be.... I suspect that because the noise will travel up (rather than around the edges of the building and down to the street), noise won't be an issue at street level.

But for those of us at a higher elevation where there's nothing to block the noise – I think we have a lot to be concerned about (even before 10:00pm). **Conversation and general restaurant noise (plates, glasses and silverware collection especially) will likely be high. I'm even more worried about the fact that the rooftop flooring will be made of concrete. I can imagine the sound of chairs and tables being scraped across the concrete floors and that being extremely loud and grating!**

Many thanks again for your stewardship. I appreciate your contributions to our city!

Thanks,
-Ken

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SITE PLAN

1/16" = 1'-0"

No.	Date	Revision

HECTORS PROPERTY REMODEL & EXPANSION

112 LAKE STREET SOUTH
KIRKLAND, WA



No.	Date	Revision

HECTORS PROPERTY REMODEL & EXPANSION

112 LAKE STREET SOUTH
KIRKLAND, WA



No.	Date	Revision

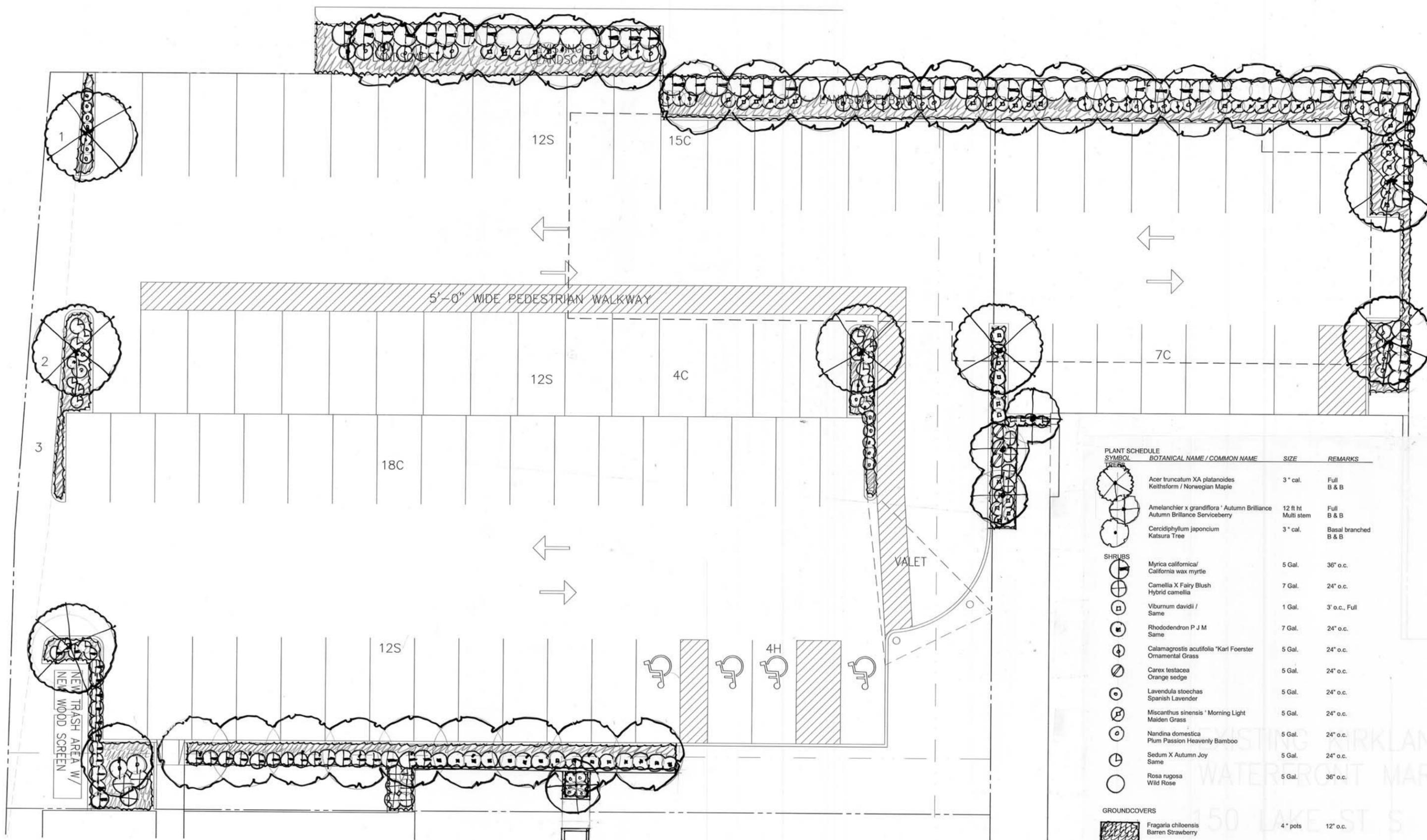
HECTORS PROPERTY REMODEL & EXPANSION
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No.	Date	Revision

HECTORS PROPERTY REMODEL & EXPANSION
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EXISTING ALLEY



PLANT SCHEDULE			
SYMBOL	BOTANICAL NAME / COMMON NAME	SIZE	REMARKS
TREES			
	<i>Acer truncatum</i> XA <i>platanoides</i> Keithsform / Norwegian Maple	3" cal.	Full B & B
	<i>Amelanchier x grandiflora</i> 'Autumn Brilliance' Autumn Brilliance Serviceberry	12 ft ht Multi stem	Full B & B
	<i>Cercidiphyllum japonicum</i> Katsura Tree	3" cal.	Basal branched B & B
SHRUBS			
	<i>Myrica californica</i> / California wax myrtle	5 Gal.	36" o.c.
	<i>Camellia</i> X Fairy Blush Hybrid camellia	7 Gal.	24" o.c.
	<i>Viburnum davidii</i> / Same	1 Gal.	3" o.c., Full
	<i>Rhododendron</i> P J M Same	7 Gal.	24" o.c.
	<i>Calamagrostis acutifolia</i> *Karl Foerster Ornamental Grass	5 Gal.	24" o.c.
	<i>Carex testacea</i> Orange sedge	5 Gal.	24" o.c.
	<i>Lavendula stoechas</i> Spanish Lavender	5 Gal.	24" o.c.
	<i>Miscanthus sinensis</i> 'Morning Light' Maiden Grass	5 Gal.	24" o.c.
	<i>Nandina domestica</i> Plum Passion Heavenly Bamboo	5 Gal.	24" o.c.
	<i>Sedum</i> X Autumn Joy Same	5 Gal.	24" o.c.
	<i>Rosa rugosa</i> Wild Rose	5 Gal.	36" o.c.
GROUNDCOVERS			
	<i>Fragaria chiloensis</i> Barren Strawberry	4" pots	12" o.c.

173-60-040

Maximum permissible environmental noise levels.

(1) No person shall cause or permit noise to intrude into the property of another person which noise exceeds the maximum permissible noise levels set forth below in this section.

(2)(a) The noise limitations established are as set forth in the following table after any applicable adjustments provided for herein are applied.

EDNA OF NOISE SOURCE		EDNA OF RECEIVING PROPERTY	
	Class A	Class B	Class C
CLASS A	55 dB A	57 dBA	60 dB A
CLASS B	57	60	65
CLASS C	60	65	70

(b) Between the hours of 10:00 p.m. and 7:00 a.m. the noise limitations of the foregoing table shall be reduced by 10 dBA for receiving property within Class A EDNAs.

(c) At any hour of the day or night the applicable noise limitations in (a) and (b) above may be exceeded for any receiving property by no more than:

- (i) 5 dBA for a total of 15 minutes in any one-hour period; or
- (ii) 10 dBA for a total of 5 minutes in any one-hour period; or
- (iii) 15 dBA for a total of 1.5 minutes in any one-hour period.

[Order 74-32, § 173-60-040, filed 4/22/75, effective 9/1/75.]

173-60-050
Exemptions.

(1) The following shall be exempt from the provisions of WAC [173-60-040](#) between the hours of 7:00 a.m. and 10:00 p.m.:

(a) Sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds and appurtenances.

(b) Sounds created by the discharge of firearms on authorized shooting ranges.

(c) Sounds created by blasting.

(d) Sounds created by aircraft engine testing and maintenance not related to flight operations: Provided, That aircraft testing and maintenance shall be conducted at remote sites whenever possible.

(e) Sounds created by the installation or repair of essential utility services.

(2) The following shall be exempt from the provisions of WAC [173-60-040](#) (2)(b):

(a) Noise from electrical substations and existing stationary equipment used in the conveyance of water, waste water, and natural gas by a utility.

(b) Noise from existing industrial installations which exceed the standards contained in these regulations and which, over the previous three years, have consistently operated in excess of 15 hours per day as a consequence of process necessity and/or demonstrated routine normal operation. Changes in working hours, which would affect exemptions under this regulation, require approval of the department.

(3) The following shall be exempt from the provisions of WAC [173-60-040](#), except insofar as such provisions relate to the reception of noise within Class A EDNAs between the hours of 10:00 p.m. and 7:00 a.m.

(a) Sounds originating from temporary construction sites as a result of construction activity.

(b) Sounds originating from forest harvesting and silvicultural activity.

(4) The following shall be exempt from all provisions of WAC [173-60-040](#):

(a) Sounds created by motor vehicles when regulated by chapter [173-62](#) WAC.

(b) Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations.

- (c) Sounds created by surface carriers engaged in interstate commerce by railroad.
 - (d) Sounds created by warning devices not operating continuously for more than five minutes, or bells, chimes, and carillons.
 - (e) Sounds created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible.
 - (f) Sounds created by emergency equipment and work necessary in the interests of law enforcement or for health safety or welfare of the community.
 - (g) Sounds originating from motor vehicle racing events at existing authorized facilities.
 - (h) Sounds originating from officially sanctioned parades and other public events.
 - (i) Sounds emitted from petroleum refinery boilers during startup of said boilers: Provided, That the startup operation is performed during daytime hours whenever possible.
 - (j) Sounds created by the discharge of firearms in the course of hunting.
 - (k) Sounds caused by natural phenomena and unamplified human voices.
 - (l) Sounds created by motor vehicles, licensed or unlicensed, when operated off public highways EXCEPT when such sounds are received in Class A EDNAs.
 - (m) Sounds originating from existing natural gas transmission and distribution facilities. However, in circumstances where such sounds impact EDNA Class A environments and complaints are received, the director or his designee may take action to abate by application of EDNA Class C source limits to the facility under the requirements of WAC [173-60-050](#)(5).
- (6) Nothing in these exemptions is intended to preclude the department from requiring installation of the best available noise abatement technology consistent with economic feasibility. The establishment of any such requirement shall be subject to the provisions of the Administrative Procedure Act, chapter [34.04](#) RCW.