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## MEMORANDUM

**To:** Eric R. Shields, AICP, SEPA Responsible Official

**From:** Jon Regala, Senior Planner

**Date:** March 10, 2014

**File:** SEP13-00959

**Subject:** SEPA ENVIRONMENTAL DETERMINATION – LAKE STREET PLACE  
112 AND 150 LAKE STREET SOUTH

### GENERAL

The subject property consists of three parcels located at 112 and 150 Lake Street South (see Attachment 1). The parcels contain the Hector's building, the Kirkland Waterfront Market building (KWM), and an 85-stall surface parking lot. The Hector's and KWM properties contain a variety of retail, restaurant, and office uses. The following is a brief description of the development proposal for each lot (see Attachment 2).

#### LOT A - Kirkland Waterfront Market (KWM)

An approximately 965 sq. ft. ground floor addition to Milagro restaurant is proposed. A total of approximately 13,777 sq. ft. of new office space is proposed at the 3<sup>rd</sup> and 4<sup>th</sup> story atop the portion of the building containing the Milagro restaurant.

#### LOT B - Hector's Expansion

The first floor would contain approximately 5,504 sq. ft. of new restaurant space. A total of approximately 24,986 sq. ft. of new office space is proposed at the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> floors.

#### LOT C – Main Street Building/Parking Garage

The Main Street Building is a new 55-foot tall building (4 to 6 stories) proposed to be built over the existing parking lot behind Hector's. Approximately 15,349 sq. ft. of retail space is proposed on the ground floor. Floors 2 through 5 consist of a 252-stall parking structure. Floor 6 will contain approximately 20,109 sq. ft. of office space.

### ANALYSIS

The SEPA "threshold determination" is the formal decision as to whether or not an Environmental Impact Statement (EIS) is required for a proposal that is not categorically exempt. If it is determined that a proposal may have a significant adverse impact that cannot be mitigated, an EIS would be required. The SEPA Rules state that *significant* "means a reasonable likelihood of more than a moderate adverse impact on environmental quality [WAC 197-11-794(1)]". In addition, *significant* involves an analysis of the context, intensity, and severity of the impact.

Many environmental impacts are mitigated by City codes and development regulations. For example, the Kirkland Zoning Code has regulations that protect sensitive areas, limit noise, provide setbacks, establish height limits, etc. Where City regulations have been adopted to address an environmental impact, it is presumed that such regulations are adequate to achieve sufficient mitigation [WAC 197-11-660(1)(e)]. Therefore, when requiring project mitigation based on adverse environmental impacts, the City would first consider whether a regulation has been adopted for the purpose of mitigating the environmental impact in question. The City would then look at the project site and proposed uses and determine if they present unusual circumstances or impacts as a result of factors such as property size or shape, transition between uses, topography, or inadequate infrastructure where the proposal would have more than a moderate adverse impact. Mitigation may be required as part of a Determination of Nonsignificance issued by the City (lead agency) if the proposal results in significant adverse environmental impacts which substantially exceed the limitations anticipated with the adopted City codes:

WAC 197-11-350(3) - Whether or not an applicant requests early notice under subsection (2), if the lead agency specifies mitigation measures on an applicant's proposal that would allow it to issue a DNS, and the proposal is clarified, changed, or conditioned to include those measures, the lead agency shall issue a DNS.

I have had an opportunity to visit the subject property and review the following documents:

- Attachment 3 – Environmental Checklist dated June 7, 2013
- Attachment 4 – Public comments (various)
- Attachment 5 – Noise study prepared by SSA Acoustics, dated July 10, 2013
- Attachment 6 – Noise study prepared by SSA Acoustics, dated August 22, 2013
- Attachment 7 – Mechanical Systems Consideration letter prepared by Berona Engineers, Inc., dated August 26, 2013
- Attachment 8 – Transportation Impact Analysis prepared by William Popp Associates, dated October 28, 2013
- Attachment 9 – Review of Traffic Impact Analysis Memo prepared by Thang Nguyen dated December 19, 2013.

It will be necessary to further analyze certain aspects of the proposal to determine if the project complies with all the applicable City codes and policies. That analysis is most appropriately addressed with the grading and/or building permit review for the project. In contrast, State law specifies that this environmental review under the State Environmental Policy Act (SEPA) is to focus only on potential significant impacts to the environment that could not be adequately mitigated through Kirkland regulations and the Comprehensive Plan.<sup>1</sup> Below is an analysis of several key SEPA elements identified by staff and/or brought up by the general public (see Attachment 4).

### **AESTHETICS/BUILDING MASS**

Concern has been expressed regarding the large size of the proposed project. The subject property is located in the CBD 1B zone. The CBD 1B use zone chart provides the basic zoning standards for new development within this zone (see Attachment 10). In general, buildings in this zone are allowed zero-foot setbacks, 100% lot



<sup>1</sup>ESHB 1724, adopted April 23, 1995

coverage, and a 55' height limit. For comparison, the following are the zoning designations, uses, and allowed heights of properties adjacent to the subject property:

*North:* CBD 1B. The 101/Bank of America. Maximum height is 55'.

*East:* CBD 4. Portsmouth Condominiums. Maximum height is 55.4'.

*South:* CBD 1B. Parking lot for Chaffey Building. Maximum height is 55'.

*West (across Lake St. S.):* CBD 2. Various retail/restaurant uses. Maximum height is 28'.

The information below provides additional comparison of the size of the proposed project to buildings around or near to the subject property.

DEVELOPMENT NAME	BUILDING AREA (Does not include below grade parking area)
<i>Bank of America/The 101</i> <sup>1</sup>	83,525 sq. ft.
<i>Merrill Gardens</i> <sup>1</sup>	136,743 sq. ft.
<i>Portsmouth</i> <sup>1</sup>	Phase I – 79,680 sq. ft. Phase II – 124,866 sq. ft. <b>Total</b> – 204,546 sq. ft.
<i>Heathman Hotel</i> <sup>1</sup>	73,064 sq. ft. (includes daylight basement)
<i>Kirkland Central</i> <sup>1</sup>	127,099 sq. ft.
<i>Lake Street Place</i> <sup>2</sup>	Main Street Building – 35,458 sq. ft. Main Street Building above-grade garage – 83,800 sq. ft. <b>Subtotal</b> – 119,258 sq. ft. Hector's existing area – 7,198 sq. ft. Hector's expansion – 30,490 sq. ft. <b>Subtotal</b> – 37,688 sq. ft. KWM existing area – 21,409 KWM expansion – 15,866 sq. ft. <b>Subtotal</b> – 37,275 sq. ft. <b>Total</b> – 194,221 sq. ft.

<sup>1</sup> Building area information was obtained from the City's permitting system

<sup>2</sup> Building area information from applicant TIA, Table 1a (see Attachment 8)

Design Review Board (DRB) approval is also required for development within the CBD 1B zone. The DRB reviews projects for consistency with the Design Guidelines for Pedestrian Oriented Business Districts as adopted in Kirkland Municipal Code Chapter 3.30. The Design Guidelines address items such as moderating building massing, architectural scale, blank wall treatment, and pedestrian-oriented design.

The Lake Street Place project had four Design Response Conferences at which mitigating the Main Street Building's mass relative to Lake Street South, the Portsmouth Condominiums, and the Merrill Gardens building was the primary focus. The Design Guidelines for Pedestrian Oriented Business Districts contain several guidelines that seek to moderate a building's scale and massing. Given that the CBD 1B zone does not have any required setbacks other than upper story setbacks along the street, the DRB applied the building modulation design guidelines as well as various building color, materials, and detailing techniques to help mitigate building massing concerns. The general design guideline topics are:

- Vertical and horizontal building modulation
- Upper story setbacks (along Lake Street and Main Street)

- Window treatment
- Architectural elements such as decks, bay windows, arcades, and porches

Over the course of the four Design Response Conference meetings, the applicant made the following changes to the Main Street building as a result of the direction given by the DRB to address building massing, parking garage impacts, and to comply with upper story setback requirements for the CBD 1B zone along Main Street (KZC Section 50.10.5):

- Set the two top floors at the northeast façade of the Main Street building back 22' from the east property line where adjoining Main Street.
- Set the top floor at the southeast façade of the Main Street building back 10' from the east property line where adjoining the public walkway.
- Removed the rooftop deck parking on the Main Street Building.
- Enclosed the Main Street Building parking garage.
- Provided landscaping within the neighboring public walkway along the east property line.
- Added retail and/or commercial space at the ground floor along Main Street.

The DRB further required that the project include the following in order to comply with building modulation guidelines:

- The north façade of the Main Street Building has separated roof forms for each bay projection.
- The northeast façade of the Main Street Building has a ground floor CMU base and horizontal panel siding above at the upper stories.
- The south façade of the Main Street Building has infill horizontal panel siding.

On January 14, 2013, the DRB approved the Lake Street Place project with conditions (see Attachment 2). On February 11, 2013, the DRB's decision was appealed (two appeals were filed). The appeal hearing was held on April 4, 2013. On April 10, 2013, the Hearing Examiner affirmed the DRB's decision to approve the project with conditions (see Attachment 11). The City's design review process and building design approval, based on consistency with adopted design guidelines, have mitigated any impacts related to aesthetics and building massing.

### **VIEWS**

As mentioned in the previous section, the CBD 1B zone has a 55-foot height limit. Several neighbors that reside east of the proposed project have expressed concerns that the new development will block views to the west. Views over the lower two-story Hector's and KWM buildings and surface parking lot are due in part to the subject property being approximately 23 to 27 feet lower than the adjoining Portsmouth Condominium development (see Attachment 12).

The completed Lake Street Place rooftops will be approximately 16' to 37' lower than the Portsmouth rooftops (see Attachment 13). Views from Portsmouth at the 5<sup>th</sup> story appear to be maintained over the subject property towards Lake Washington. Views from the 3<sup>rd</sup> and 4<sup>th</sup> stories, depending on location relative to the proposed project, may be partially obstructed. Views to Lake Washington, in accordance with a private view covenant (see Attachment 14), will be maintained from all floors of the Portsmouth and from the public pedestrian pathway (on the Portsmouth property) which overlook the south 110' of the Kirkland Waterfront Market. Views to the south from The 101/Bank of America and to the west from the Merrill Gardens developments towards Lake Washington will be obstructed with the Lake Street Place project.

However, private views are not regulated by the City except where specified in the Comprehensive Plan and Zoning Code. Below are excerpts from the Comprehensive Plan which address views in general and specifically within the Moss Bay Neighborhood Plan.

Comprehensive Plan Community Character Chapter IV, page IV-10.1, Policy CC-4.5:

*Protect public scenic views and view corridors*

Public views of the City, surrounding hillsides, Lake Washington, Seattle, the Cascades and the Olympics are valuable not only for their beauty but also for the sense of orientation and identity that they provide. Almost every area in Kirkland has streets and other public spaces that allow our citizens and visitors to enjoy such views. View corridors along Lake Washington's shoreline are particularly important and should continue to be enhanced as new development occurs. Public views can be easily lost or impaired and it is almost impossible to create new ones. Preservation, therefore, is critical.

Private views are not protected, except where specifically mentioned in some of the neighborhood plan chapters of the Comprehensive Plan and in the City's development regulations.

Comprehensive Plan Moss Bay Neighborhood Chapter XV.D, page XV.D-17:

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

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.

There are no Comprehensive Plan policies that would require view protection for the properties adjoining the project. A review of the Zoning Code also reveals that there are no view protection regulations specific to the Lake Street Place project. Instead, compliance with the CBD 1B height regulations and upper story setbacks are required. The same height regulations/limitations (maximum 55' height) were applied to the developments on the neighboring properties except for the Portsmouth development which has a slightly higher height limit (55.4').

**NATURE**

A neighbor expressed concern regarding the impact that the new project would have to surrounding plant and animal life.

Properties to the north and east of the subject property contain several mixed-use developments. These projects contain vegetation either located around the project's perimeter or in a courtyard area. The existing vegetation appears to be thriving in the relatively dense urban environment. To the west, the subject property fronts entirely along Lake Street South. Lake Street South is a fully improved City right-of-way approximately 62 feet in width and contains sidewalks, two traffic lanes, and street parking. Lake Washington is approximately 280' to the west of the subject property. The parcels located between Lake Street South and Lake Washington are fully developed with commercial buildings, residential uses, and surface parking lots.

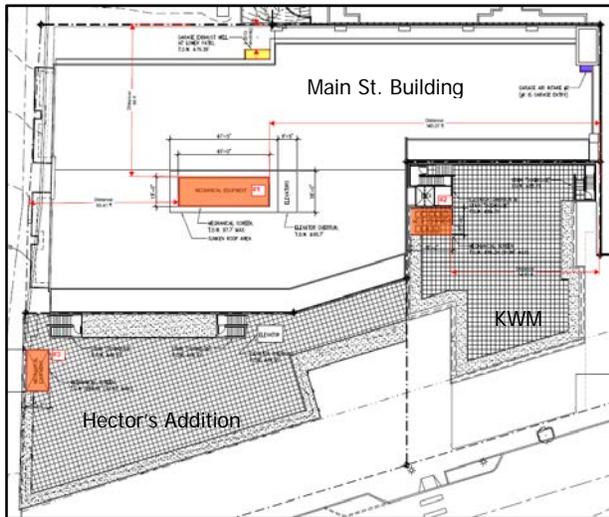
The subject property is comprised of three parcels that are currently developed with the Hector's and KWM buildings and a surface parking lot. Vegetation is located within the parking lot landscape strip along the east property line perimeter adjoining the Portsmouth Condominiums. The vegetation that is on the subject property will be removed with the Lake Street Place redevelopment. New trees and plants, located primarily in planter areas, are

proposed with the new project. Off-site trees and plants are also being proposed within the adjacent public walkway to the east on the Portsmouth Condo property. It is likely that the proposed vegetation will thrive similarly to the vegetation on adjoining properties if properly installed and maintained and tree/plant species are chosen appropriately.

Staff has not identified any significant vegetated areas or animal habitat areas in or around the subject property other than Lake Washington. However, since the applicant's proposal does not have elements that would involve construction near or within Lake Washington and construction is limited to the subject property or property frontage, no significant adverse environmental impacts are anticipated to nearby plant or animal habitat, including Lake Washington.

### **NOISE**

The applicant has submitted a roof plan showing the location of all rooftop appurtenances (see roof plan diagram below or Attachment 15 for a larger version) to be located within three mechanical equipment enclosure areas (highlighted orange areas). These enclosures will contain rooftop mechanical units such as air conditioning units. A description of the proposed mechanical system provided by Berona Engineers, Inc. can be found in Attachment 7.



The main mechanical equipment enclosure (#1) near the middle of the rooftop is located approximately 65' from the north property line, 66' from the east property line, and 145 feet from the south property line. Mechanical equipment enclosure #2 is located approximately 65 feet from the south property line. Enclosure #3 is located along the north property line approximately 83' from Lake Street South. Enclosures #2 and #3 are located at the west end of the property on the 4<sup>th</sup> story rooftop deck and will not be visible from the east because of the intervening office level atop the Main Street building.

Kirkland Zoning Code Section 115.95 – Noise Regulations adopts by reference the maximum

environmental noise levels established pursuant to the Noise Control Act of 1974, Chapter 70.107 RCW and WAC Chapter 173 – 60. WAC 173-60-040 – *Maximum Permissible Environmental Noise Levels* requires that noise from a retail/commercial use (Class B EDNA – Environmental Designation for Noise Abatement) cannot exceed 57 dBA when entering residential property (Class A EDNA) during the hours of 7:00 a.m. and 10:00 p.m. In addition, between the hours of 10:00 p.m. and 7:00 a.m., the noise level cannot exceed 47 dBA.

At any hour of the day or night the applicable noise limitations described above may be exceeded for any receiving property by no more than:

- 5 dBA for a total of 15 minutes in any one-hour period; or
- 10 dBA for a total of 5 minutes in any one-hour period; or
- 15 dBA for a total of 1.5 minutes in any one-hour period.

Also, WAC Sections 173-60-050(4)(a) and (k) exempts sounds created by motor vehicles as well as natural phenomena and unamplified human voices from the maximum noise levels described above. WAC Section 173-60-050(3)(a) exempts sounds originating from temporary construction sites as a result of construction activity during the hours of 7:00 a.m. and 10:00 p.m. Although this is the case, the City of Kirkland limits development activity to the following hours (KZC Section 115.25.1):

*General – It is a violation of this code to engage in any development activity or to operate any heavy equipment before 7:00 a.m. or after 8:00 p.m., Monday through Friday, or before 9:00 a.m. or after 6:00 p.m. Saturday. No development activity or use of heavy equipment may occur on Sundays or on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.*

Violations to the construction hour limitations will be regulated by the City on a complaint basis. Noise associated with garbage pickup for the project and surrounding properties currently exists and will remain with the current project. Staff anticipates that residences which are located behind the Lake Street Place project will experience lower traffic noise levels from the alley and/or Lake Street South since the new buildings will serve as a sound barrier.

At this point in time, outdoor dining is not being proposed on the Hector's or KWM building rooftop deck. Because this type of use has the potential to generate adverse noise impacts to surrounding residences, a new SEPA application should be required if this use is proposed in the future. The SEPA application should include a SEPA checklist and noise study that assesses noise impacts with a rooftop dining use. Additional requirements to mitigate noise impacts may be required by the City as part of the SEPA determination that time.

I have also reviewed the following noise studies provided by the applicant:

- Attachment 5 – Noise study prepared by SSA Acoustics, dated July 10, 2013
- Attachment 6 – Noise study prepared by SSA Acoustics, dated August 22, 2013

The noise study in Attachment 5 indicates that normal conversations that would occur on any of the proposed rooftop decks would comply with the decibel level maximums adopted by the City. In regards to mechanical equipment, the noise study in Attachment 6 outlines several methods for reducing noise impacts that may be used with the new garage exhaust fans and Hector's mechanical system design. Additional noise reduction techniques were also provided by the mechanical systems engineer (see Attachment 7). The noise consultant acknowledged in the study the need for the final design to comply with the City's noise limitations. Since the mechanical system design is still in the preliminary stages, a more detailed noise study should be submitted for City review when the mechanical system is finalized with the mechanical and/or building permit.

### **AIR QUALITY**

Air quality concerns were expressed by neighboring residents in regards to emissions and odors associated with increased vehicle traffic and restaurant exhaust from the Lake Street Place project.

#### **Restaurant Exhaust**

The exhaust fan for the existing Milagro restaurant will remain in its current location atop the 2<sup>nd</sup> story roof of the KWM building. However, new exhaust fans for the expanded Hector's restaurant and future ground floor restaurant are proposed to be located at the north façade of the Hector's building and exhaust out to the alley (see Attachment 7). These restaurant exhaust fans are proposed to be equipped with a pollution control unit to filter out smoke and odor. Air pollution control units are larger and more expensive than standard exhaust equipment. This feature is being provided although it is not required by the International Mechanical Code (IMC).

There is however the potential for future restaurant uses to place exhaust fans on the rooftop. To minimize odor and smoke impacts from exhaust fans located on the rooftop, such fans should be located in an area to provide sufficient distance from neighboring residential uses to reduce smoke and odor impacts. Upon reviewing the roof plan (see Attachment 15), exhaust

fans should be located generally near the center of the roof (north to south) and as far west as possible.

### Smoking Area

Another issue raised by a neighbor is the location of an outdoor smoking area associated with restaurant employees. Currently, according to the public comment, these employees smoke in the surface parking lot located behind the Hector's restaurant. According to the applicant, the new Lake Street Place project does not have a designated outdoor smoking area. However, smoking areas will need to comply with the State's smoking area regulations. RCW 70.160 prohibits smoking in most public places and workplaces and requires that smoking occur a minimum distance of 25 feet from entrances, exits, windows and air intakes to insure that smoke does not enter into buildings. Complaints can be filed with King County Public Health. The applicant has noted that the Portsmouth public pedestrian walkway is not a designated smoking area for the proposed project.

### Air Quality & Traffic

Vehicle emissions are a concern of neighboring residents with the new project due to the increase in vehicle trips, garage exhaust, and potential for idling vehicles. In regards to vehicle emissions, the following air pollutants are monitored and regulated by the Puget Sound Clean Air Agency and the Washington State Department of Ecology (*Source: Puget Sound Clean Air Agency website*):

- *Carbon monoxide (CO)* - Carbon monoxide is a colorless, odorless, toxic gas commonly formed when carbon-containing fuel is not burned completely. Motor vehicles are the predominant source of carbon monoxide in the Puget Sound region.
- *Particulate matter* - Particulate matter refers to tiny, discrete solid or aerosol particles in the air. The Clean Air Agency monitors two types of particles: PM10, which consists of particles measuring up to 10 micrometers in diameter; and PM2.5, which consists of fine particles measuring 2.5 micrometers in diameter or smaller. In the winter, most particle pollution comes from burning in fireplaces and wood stoves. During the summer, vehicle exhaust (cars, trucks, buses, among others), land-clearing burning and backyard burning of yard waste are the predominant sources of fine particles.
- *Ozone (O<sub>3</sub>)* - The bulk of ozone (smog) - causing nitrogen oxides and volatile organic compounds (VOCs) come from the transportation sector – emissions from cars and light trucks, marine vessels, and heavy-duty diesel vehicles. Other sources include gasoline refueling; industrial solvents; and auto-body paint shops, among others.
- *Nitrogen dioxide (NO<sub>2</sub>)* - Nitrogen dioxide is a reddish brown gas that comes from motor vehicles such as trucks and automobiles. Other sources include industrial boilers and processes, home heaters, and gas stoves.

To help understand potential vehicle emission air quality impacts with the Lake Street Place project, staff reviewed the air quality information provided in the EIS's for two different projects: (1) the Potala Village project and (2) the Bel-Red Corridor land use/zoning project. These projects were chosen for review because they provide 'bookends' in terms of traffic volume relative to the Lake Street Place project and because they provide information on how air quality was reviewed for each project.

The Potala Village EIS analyzed a new mixed-use development that would include approximately 6,200 square feet of commercial space, 143 residential units, and 316 underground parking stalls. The Potala Village EIS did not include an air quality study because it was determined with the EIS scoping that the trip generation associated with the project (see

*Net New Trip Generation* table below) was likely to result in a very small impact to overall air quality (see Attachment 16).

**NET NEW TRIP GENERATION**

PROJECT	AM Peak (Net change in vehicle trips)			PM Peak (Net change in vehicle trips)		
	In	Out	Total	In	Out	Total
Lake Street Place <sup>1</sup>	92	15	107	58	102	160
Potala Village <sup>2</sup>	24	60	84	62	41	103

<sup>1</sup> See Attachment 8, Table-6

<sup>2</sup> See Attachment 22

When comparing the Potala Village trip information with the Lake Street Place project, traffic volumes with the Lake Street Place project are expected to be approximately 27% higher during the a.m. peak and approximately 55% higher in the p.m. peak.

On the other end of the spectrum, the Bel-Red Corridor project is expected to see a much greater increase to the number of trips when compared to the Lake Street Place project (see Attachment 17). The Bel-Red Corridor EIS review consisted of several land use alternatives including a preferred alternative that included 5,000 new housing units and a net increase of up to 2 million square feet of office and retail space. The Bel-Red Corridor EIS summarized that, with the proposed build-out of the preferred alternative, carbon monoxide emissions would increase by approximately 40% and particulate emission would increase by 30% over the no-action alternative (see Attachment 18). At these levels, the EIS indicates that no violations to air quality standards or significant adverse air quality impacts are expected to occur (see also Attachment 19).

Based on a review of the conclusions reached on air quality issues for the two projects described above, staff does not anticipate significant adverse automobile related air quality impacts with the increase in vehicular trips associated with the Lake Street Place project. The Washington State Department of Ecology continually regulates vehicle emissions levels. Given that newer vehicles contribute fewer pollutants with each passing year as technology improves, staff anticipates less air quality concerns with vehicle emissions even with increased traffic volumes.

*Garage Exhaust*

The Main Street Building contains a 3 to 4-level fully enclosed parking garage above ground-floor commercial space. Above the parking garage is one floor of proposed office space. The air intake for the parking garage is located in the southeast corner of the building rooftop (see Attachment 15). The garage entrance at the alley will serve as another source for air intake.

The parking garage ventilation system will consist of carbon monoxide sensors to activate and regulate, via fans, the air flow to help dilute polluted air to clean levels. The mechanical equipment for the garage ventilation system will be located entirely inside the parking garage. The garage exhaust is located at the 4<sup>th</sup> story roof patio deck approximately 10.5' from the east property line adjoining the Main Street right-of-way and approximately 38' from the Portsmouth Condominiums (see Attachment 15). The diluted garage air will be vented through this exhaust at the roof line. The proposed parking garage venting system, designed to mitigate polluted air within the parking garage, is consistent with building code requirements. A more formal review of the applicant's mechanical and garage ventilation system will occur with the building and mechanical permits to confirm compliance with the applicable Building Codes.

Idling Vehicles

Emissions from idling vehicles are another concern. Access to the Lake Street Place parking garage is from a 22' to 23'-wide alley north of the subject property (see Attachment 2). The alley also serves as the access for The 101/Bank of America development to the north. The amount of vehicle traffic projected to occur in the alley and adjoining streets can be found in Figure 12a and 12b of the applicant's traffic study (see Attachment 8). The following chart summarizes the total projected volumes and vehicle delay times at intersections within the alley (based on Table 9b of the applicant's traffic study in Attachment 8). The far right-hand column has been added by staff to show the projected rate of vehicles during the peak hour in order to compare the vehicle rate and the projected delay time at each intersection.

**ALLEY CAR VOLUMES AND DELAY INFORMATION**

Intersection	Approach/Movement (towards intersection)	Volume	Delay (seconds/vehicle)	Rate <sup>1</sup> (1 car/min:sec)
<b>AM PEAK HOUR</b>				
Lake Street/Alley	WB	4	0:10	15:00
Main Street/Alley/Merrill Gardens	EB	28	0:09	2:08
	NB	4	0	15:00
	SB	108	0	0:33
Alley/Lake Street Place access	NB	20	0:09	3:00
	EB	24	0	2:30
	WB	93	0:07	0:39
Alley/101 Kirkland Access	SB	11	0:09	5:27
	EB	15	0:01	4:00
	WB	10	0	6:00
<b>PM PEAK HOUR</b>				
Lake Street/Alley	WB	20	0:15 <sup>2</sup> , 4:39 <sup>3</sup> , or 1:00 <sup>4</sup>	3:00
Main Street/Alley/Merrill Gardens	EB	112	0:10	0:32
	NB	14	0	4:17
	SB	127	0	0:28
Alley/Lake Street Place access	NB	119	0:09	0:30
	EB	32	0	1:53
	WB	98	0:06	0:37
Alley/101 Kirkland Access	SB	13	0:09	4:37
	EB	22	0:01	2:43
	WB	45	0	1:30
<sup>1</sup> Peak traffic volume is the peak hour during the street peak timeframe of 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. Rate column is determined by this formula: 60 min./volume <sup>2</sup> Modeled as if vehicle can merge onto Lake Street (yield sign) <sup>3</sup> Modeled with a stop sign control <sup>4</sup> Estimated delay would be one minute given that the signal at Kirkland Ave/Lake St intersection has a 60 second cycle.				

The above information shows that the vehicle delay times at all intersections within the alley are less than the rate of cars travelling through the same intersections during the a.m. or p.m. peak hour. As a result, vehicle queuing in the alley should be minimal to none. The only exception would be for vehicles entering Lake Street South from the alley in the PM peak hour if the intersection is modeled with a stop sign. In this scenario, the delay is projected to be 4 minutes and 39 seconds with a vehicle rate of one car every 3 minutes. However, because the traffic signal at Kirkland Avenue and Lake Street South has a 60-second light cycle, it is estimated that a vehicle should be able to enter the northbound traffic from the alley every 60

seconds. With a projected rate of 1 vehicle every 3 minutes, a delay of 60 seconds should not create a queue within the alley waiting to enter Lake Street South.

Another potential queuing point would be where vehicles enter the Lake Street Place parking garage given that a parking gate and ticket booth are proposed. The parking gate is proposed to be located within the parking garage 41' from the alley. This distance is long enough to hold a two-car queue. The estimated service time to take a ticket and clear the gate is approximately 10 seconds. The estimated entering volume for the A.M. and P.M. peak hour is approximately 1 vehicle every 40 seconds. A conservative estimate depicts a 2-car queue during peak times. Therefore, staff does not anticipate a queuing problem and thus any significant air quality impacts with the proposed garage entry gate design.

The new loading dock may be another air quality concern with idling trucks. Therefore, trucks parked in the loading/unloading area proposed east of the parking garage entrance should not leave their engines running when parked to reduce emissions.

In general, significant adverse air quality impacts are not anticipated within the alley related to vehicular volumes and associated queuing within the alley, code compliant garage ventilation, smoking that would occur outdoors, and restaurants utilizing air pollution control units.

### **PARKING**

The subject property previously had a total of four buildings: the Hector's, Lakeside (World Wrapps), Calabria, and KWM buildings. Like many of the Downtown properties, the Hector's and Lakeside building did not have any parking stalls. The Calabria and KWM buildings had a surface parking lot containing 68 stalls. The Calabria and Lakeside (World Wrapps) buildings were demolished several years ago leaving the Hector's and KWM building. In 2009, the parking lot was expanded to 84 stalls as part of a KWM building remodel/addition.

According to the applicant, construction of the entire project will take approximately 15 months. The existing surface parking lot will be demolished in order to make way for the new Main Street building (parking garage and office), which is to be followed by the construction of the two-story office addition atop the KWM and then lastly the construction of the Hector's addition.

During the initial construction period, the applicant is proposing to offer a valet service to the KWM tenants until such time the parking garage is constructed. The parking garage is anticipated to be finished and useable after 8 months. In the meantime, valeted cars would be parked at an off-site location (to accommodate 40 vehicles) which would be secured prior to the start of construction. The number of valeted vehicles to be parked at an off-site location will help alleviate the temporary loss of on-site parking during construction.

Several of the public comment emails/letters expressed concern that the completed project will not contain the amount of parking stalls required by code. For reference, the Kirkland Zoning Code (KZC) requires that restaurants and taverns must provide one parking stall for each 125 square feet of new gross floor area. All other uses must provide one parking stall for each 350 square feet of new gross floor area. For existing floor area, KZC Section 50.60.3(a) grandfathers parking as follows:

*Regardless of use, the owner need not increase the number of parking spaces for any floor area that existed prior to May 12, 2002; provided that the owner may not decrease the number of parking stalls on the subject property below the number of stalls that was required by any previous development permit.*

KZC Section 50.60.3(a) allows the applicant to utilize parking associated with the demolished (or to be demolished) buildings and apply the parking credit towards redevelopment. This parking credit has been calculated to be 93.5 stalls for the project (see Attachment 20). Of the original sixty-eight (68) parking stalls, sixty-five (65) parking stalls are required to remain with the new project. Three stalls were removed with the alley expansion associated with the Bank of America/101 project.

Additional parking stalls are required for new gross floor area based on use, except that outdoor seating areas may be operated for six months before being used in calculating the gross floor area of the use or development (KZC Section 115.105.2.c.6).

In order to determine the total required number of parking spaces for the project, the following formula should be used:

$$= [65 \text{ (no. of existing stalls to remain with the new project)} + \text{(number of stalls required by code based on use and new gross floor area)}] - 93.5 \text{ (credited parking stalls associated with demolished buildings)}$$

Based on the new gross floor area information provided by the applicant Table 1b of the traffic (see Attachment 8), 256 parking stalls are required for the project. The applicant is proposing 252 parking stalls which are 4 stalls short of what is required by code. Either the number of parking stalls needs to be increased or the amount of new floor area decreased in order to meet City parking requirements.

The applicant has also indicated in the past that the project may potentially be phased. If the project is phased, Phase I would consist of adding onto the KWM property (expansion of the Milagro restaurant and addition of 2 floors of office). The Design Review Board approved Phase I with conditions on May 29, 2013. Construction of Phase II, which includes the remainder of the buildings, would follow at a later date. If the applicant decides to phase the project, each project phase will need to provide enough onsite parking based on the applicable parking regulations.

Final review of the parking garage layout as well as the detailed parking calculations and floor plans are needed to determine the final number of required parking stalls. This should occur with the building permit review and include an analysis of parking stall dimensions, drive aisle widths, and turnaround space for vehicles especially at dead-end drive aisles relative to code requirements. The four City parking stalls located along the property frontage near the Merrill Gardens garage entrance are no longer being displaced with the project and therefore do not need to be replaced by the applicant within the project's parking garage.

The Zoning Code grandfathering parking provisions maintain a level of parking nonconformity with existing building area and the associated uses that existed prior to May 12, 2002. Since the applicant is required to provide parking for new gross floor area that is constructed after May 2002, no significant adverse impacts related to parking are anticipated.

### **TRANSPORTATION**

The traffic impact analysis review memo by the City Transportation Engineer can be found in Attachment 9. The analysis goes into great depth on topics such as traffic flow, impacts of vehicle traffic to pedestrians, the history of the alley design, traffic safety, driveway design, vehicle queuing, and loading/unloading areas.

A key recommendation identified by the City Transportation Engineer involves revising the design of the alley. The alley is currently 22 feet wide consisting of an 18-foot drive aisle and 4-foot wide sidewalk. Based on the projected increase traffic flow and pedestrian activity, the City Transportation Engineer is recommending that the alley be widened to 26 feet to allow for 10-foot wide drive aisles and associated improvements east of the new Lake Street Place driveway. The increased roadway width would allow for better two-way traffic flow and remove conflicts with pedestrians.

The alley configuration west of the proposed project driveway would remain the same since the Hector's building is to remain with the new development and there would be no room to expand the alley width. However, traffic flow would be limited in this area to one-way only westbound towards Lake Street South. The City of Kirkland Public Works Department has approved the modified alley designed pursuant to KZC Section 110.27 (see Attachment 21).

All other mitigation, as recommended by the City Transportation Engineer, should be incorporated into the project. The required transportation related mitigation items are listed in the following section.

### **CONCLUSION**

The Lake Street Place project is located in Downtown Kirkland, a place where larger buildings, greater density, and a mix of uses are allowed by zoning regulations and Comprehensive Plan land use policies. Over the past fifteen years, the downtown zoning regulations and design guidelines have been periodically revised to address public concerns about larger buildings in the downtown core. As a result, the established zoning regulations mitigate many of the impacts identified with the project during this SEPA review. Therefore, based on my review of all available information and adopted policies of the City, I did not find any significant impacts created by the project as it relates to aesthetics/building mass, views, nature, noise, and parking that cannot be addressed by existing regulations.

Elements of the applicant's proposal that are currently proposed and should continue to be included with the building permit submittal are the use of air pollution units for restaurant fans venting out to the alley, providing a valet service during construction until the parking garage is available for occupancy, and providing a minimum 2-car length queue within the parking garage at the entry gate. In terms of air quality, engines for delivery vehicles should be shut off when parked or idle. Additional SEPA review that focuses on noise impacts, should be required if any of the rooftop decks will be used for outdoor dining.

Upon review of the City's Transportation Engineer memo, additional mitigation is necessary to reduce transportation related impacts that would be created by the project. Therefore, I am recommending that the proposal be changed or clarified to include the following mitigating measures as recommended by the City Transportation Engineer and as described in a previous paragraph. These measures are to be constructed, included with the permit submittal, made a condition of the project, and/or provided prior to building occupancy, so that a Mitigated Determination of Non-significance (MDNS) may be issued. If the project is not phased, all of the conditions listed below will still be required prior to occupancy of the last building.

### **GENERAL**

1. Prior to building permit issuance, provide to the City confirmation that an off-site parking location has been secured for a minimum of 40 vehicles to be used for a valet service until such time the Main Street building parking garage is available for occupancy.
2. Restaurant exhaust fans placed on the roof shall be located generally near the center of the roof (north to south) and as far west as possible.
3. If rooftop dining is proposed in the future, a new SEPA application and noise study will be required for the rooftop dining use. The scope of the SEPA review shall be limited to noise impacts.
4. All transportation related signs must meet City of Kirkland and MUTCD standards.

### **PHASE I**

1. Install a speed hump in the alley east of the proposed Lake Street Place garage entry.
2. On the west side of Main Street, south of Kirkland Avenue, paint the curb yellow and sign the two on-street parking spaces as a 30-minute loading area for delivery vehicles between the hours of 6 a.m. and 7 p.m.
3. Paint a pedestrian crossing on the north leg of the Main Street cul-de-sac per the City of Kirkland Pre-Approved Plans.

4. Install a convex mirror within the project site or other pedestrian warning system for vehicles exiting the alley onto Lake Street South. The plan for the mirror or warning design and location must be submitted to the City for final approval and maintained by the building owner.
5. Paint a stop bar in the alley at the approach to Lake Street South per the City of Kirkland Pre-Approved Plans.
6. Paint the rolled-curb red along the alley
7. Install "No Stopping" signs, MUTCD R8-5 and "No Loading or Unloading" signs on both sides of the alley.
8. Convert the alley to one-way westbound between The 101/Bank of America garage entry driveway and Lake Street South.
9. Widen the alley from the project driveway to Main Street a total of 26' to include: a 20-foot drive lane, a rolled curb on the north side, a valley curb on the south side, and a 4-foot sidewalk on the north side.
10. Install "Do Not Enter" sign MUTCD R5-1 and "One-Way" sign MUTCD R6-2 near the alley intersection along Lake Street South.
11. Work with the City of Kirkland to enforce loading areas in the normal course of monitoring on-street parking.
12. Install 10" thermoplastic crosswalk bars on both sides of the brick paver crosswalk on the south leg of the Kirkland Avenue/Main Street intersection.
13. Install an 18" thermoplastic stop bar for the northbound approach at the Kirkland Avenue/Main Street intersection.
14. Install a 4" yellow solid centerline strip on Main Street from Kirkland Avenue South to the proposed crosswalk north of the alley.
15. Install an 18" thermoplastic stop bar and stop sign on a metal post at the east end of the alley for the eastbound approach at Main Street.
16. Eliminate the first parking stall on the east side of Lake Street South just south of the alley. The existing red curb, south of the alley, shall be continued another 20 feet south. The northernmost 2-hour parking sign shall be removed. The second 2-hour parking sign in front of Hector's shall be moved north to the south end of the new red curb.
17. Reconstruct the project site frontage on Lake Street South to provide a new mid-block parking stall just north of the existing crosswalk.

## **PHASE II**

1. Air pollution units shall be required for new restaurant fans that exhaust out to the alley.
2. Implement the TMP in Attachment 9. The TMP shall be approved by the City and recorded with King County prior to occupancy of the Main Street and Hector's buildings.
3. Delivery trucks that use the project's loading dock shall be limited to an SU-30 truck size or smaller. The property owner is required to provide notification of the truck size limitation to all vendors and tenants.
4. Trucks utilizing the loading bay shall have their engines turned off when parked.
5. Locate the entry parking gate a minimum of 41 feet from the alley driveway edge to allow for a two-vehicle queue at the parking garage entrance.

**ADDITIONAL VOLUNTARY MITIGATIONS** (Proposed by the applicant)

1. Work with Merrill Gardens in regards to the following:
  - a. In front of the Merrill Garden building entry area, install three "No Parking" signs or "10-Minute Passenger Load/Unload" signs on existing bollards and paint the curb red per City standards.
  - b. Make more efficient use of the load/unload parking area within the 201 Merrill Garden parking garage. This would be the responsibility of 201 Merrill Gardens to communicate with tenants and delivery vehicles for acceptable parking locations.
2. Coordinate with owners/property managers of buildings with frontage on the alley and Main Street the creation of a loading/unloading plan to:
  - a. Self-monitor compliance with City of Kirkland loading/unloading restrictions;
  - b. Manage the loading activities of each of their own buildings to minimize conflicts with through traffic; and
  - c. Regularly meet and/or communicate with each other to discuss and resolve any unanticipated loading/unloading problems.
3. Coordinate with owners/property managers of buildings with frontage on the alley and Main Street and the City of Kirkland Fire Department ideal parking locations to minimize disruptions to general traffic activity.
4. Coordinate with Waste Management pickup times that minimize alley traffic disruption. Pickup times should preferably be before 7 a.m. on weekdays.

These recommendations are based on adopted goals and policies of the City as found in the City's Comprehensive Plan. Specifically, the following elements of the 1995 Comprehensive Plan support the recommendations described above:

**Land Use**

- Policy LU-5.1: Reflect the following principles in development standards and land use plans for commercial areas:
  - Protect residential areas from excessive noise, exterior lighting, glare, visual nuisances, and other conditions, which detract from the quality of the living environment.

**Transportation**

- Policy T-1.2: Mitigate adverse impacts of transportation systems and facilities on neighborhoods.
- Policy T-1.3: Establish a street system that promotes and maintains the integrity of neighborhoods.
- Policy T-2.1: Promote pedestrian and bicycle networks that safely access commercial areas, schools, transit routes, parks, and other destinations within Kirkland and connect to adjacent communities, regional destinations, and routes.
- Policy T-2.2: Promote a comprehensive and interconnected network of pedestrian and bike routes within neighborhoods.
- Policy T-3.5: Implement the Commute Trip Reduction (CTR) Plan to reduce single occupancy vehicle (SOV) use and vehicle miles traveled (VMT) as set forth in Kirkland's CTR Plan.
- Policy T-4.1: Promote efficient use of existing right-of-ways through measures such as:

- Intersection improvements;
  - Time-of-day parking restrictions along congested arterials;
  - Signal timing optimization;
  - Added center left-turn lanes; and
  - Limiting left turns along congested arterials.
- Policy T-4.4: Minimize bypass traffic and safety impacts on neighborhood streets.
  - Policy T-4.6: Ensure adequate access to commercial and industrial sites.
  - Policy T-4.7: Maintain a road system in a safe and usable form for all modes of travel where possible.
  - Policy T-4.8: Provide for local vehicular access to arterials, while minimizing conflicts with through traffic.
  - Policy T-5.2: By the year 2022, strive to achieve a mode split of 65% single-occupant vehicle (SOV) and 35% transit/other mode.
  - Policy T-5.4: Require new development to mitigate site specific transportation impacts.
  - Policy T-5.6: Promote Transportation Demand Management (TDM) strategies to help achieve mode split goals. TDM may include incentives, programs, or regulations to reduce the number of single-occupant vehicle trips.
  - Policy T-5.7: Assure that transportation improvements are concurrent with development to maintain the vehicular level of service standard for the development's subarea.

## **ATTACHMENTS**

1. Vicinity Map
2. Applicant Plans – DRB approval
3. Environmental Checklist dated June 7, 2013
4. Public comments (various)
5. Noise study prepared by SSA Acoustics, dated July 10, 2013
6. Noise study prepared by SSA Acoustics, dated August 22, 2013
7. Mechanical Systems Consideration letter prepared by Berona Engineers, Inc., dated August 26, 2013
8. Transportation Impact Analysis prepared by William Popp Associates, dated October 28, 2013
9. Review of Traffic Impact Analysis Memo prepared by Thang Nguyen dated December 19, 2013
10. CBD 1B Use Zone Chart
11. April 10, 2013 Hearing Examiner Decision
12. Property Survey
13. Elevation and Cross Section Information
14. Private View Covenant
15. Roof Plan
16. Potala EIS – Air Quality
17. Bel-Red Corridor EIS – Trip Information
18. Bel-Red Corridor EIS – Air Quality Summary
19. Bel-Red Corridor EIS – Air Quality Chapter
20. Parking Calculations

- 21. Alley Design Modification dated December 13, 2013
- 22. Potlala EIS – Trip Generation Summary

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**REVIEW BY RESPONSIBLE OFFICIAL:**

X I concur       I do not concur

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



March 10, 2014

Eric R. Shields, Planning Director

Date

cc:     Stuart McLeod, Owner  
       Rick Chesmore, Chesmore Buck Architecture  
       Party of Record List

City of Kirkland  
Rob Jammerman, Development Engineering Manager  
David Godfrey, Transportation Engineering Manager  
Thang Nguyen, Transportation Engineer

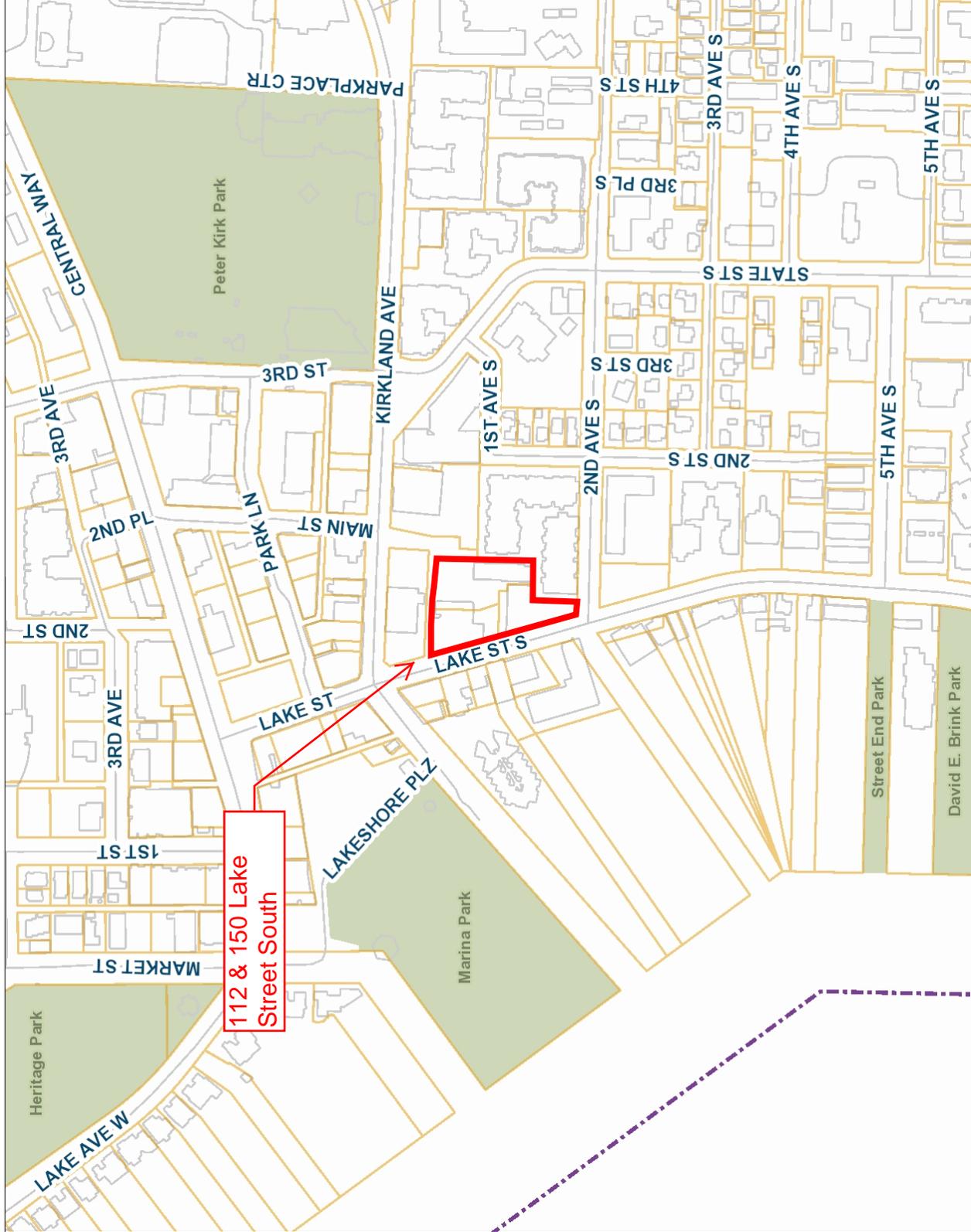


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Notes

Project Area Map

GIS MAPPING PORTAL ~ City of Kirkland, Washington ~ Department of Information Technology



112 & 150 Lake Street South



No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

NAD\_1983\_StatePlane\_Washington\_North\_FIPS\_4601\_Feet

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- Legend
- City Limits
  - Railroad
  - Streets
  - Parcels
  - Buildings
  - Parks
  - Schools



CITY OF KIRKLAND  
Planning and Community Development Department  
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www.kirklandwa.gov

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## DESIGN REVIEW BOARD DECISION ON DESIGN RESPONSE CONFERENCE APPLICATION

**Date:** January 24, 2013  
**File No.:** DRV12-00921  
**Project Name:** Lake Street Place  
**Applicant:** Rick Chesmore with Chesmore|Buck Architecture

### **I. SUMMARY OF DECISION**

On January 14, 2013, the Design Review Board (DRB) voted to approve the plans for the Lake Street Place project located at 112 and 150 Lake Street South (see Attachment 1) to construct a new mixed use development and associated parking garage structure (see Attachment 2) subject to the conditions below.

- A. The application is subject to the applicable requirements contained in the Kirkland Municipal Code, Kirkland Zoning Code (KZC), and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 3, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations. This Attachment does not include all of the additional regulations.
- B. As part of the application for a building permit, the applicant shall submit:
  1. A complete SEPA application.
  2. Detailed plans for staff review that are consistent with the proposal as shown in Attachments 2 (project drawings) and 4 (materials board) and that reflect the following design options as required by the DRB (also in Attachment 2):
    - North façade of the Main Street Building that is consistent with Option 2 (separated roof forms for each bay).
    - Northeast façade of the Main Street Building that is consistent with Option A3 (CMU base and horizontal panel siding above).
    - South façade of the Main Street Building that is consistent with Option 1 (infill horizontal panel siding).
  3. Detailed landscape plans that:
    - Replace the *Salix discolor* (American pussy willow) near the public walkway with a different plant species that is columnar and evergreen.

- Update the plant species to have additional diversity and seasonal interest. The resulting planting plan shall be dynamic with a variety of color and contemporary plant species which expand upon the *Phyllostachys nigra* (black bamboo) aesthetic proposed near the public walkway.
- 4. Parking calculations.
- 5. Upper-story setback for the calculations for the applicable Main Street and Lake Street facades.
- 6. Public open space calculation.
- 7. Detailed courtyard plans that specify that the outdoor seating areas are modular and delineated by moveable planters, seating, and railings.
- C. All furnishings (such as planters, seating, and railings) in the courtyard off Lake Street South shall remain modular and shall not be permanently affixed.
- D. Phasing the project will require a new Design Response Conference application.
- E. Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

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

### A. Background

The DRB held four Design Response Conference meetings for the project. The staff report and applicant response to the DRB's recommendations from each meeting can be found online (listed by meeting date) at the following web address:

[http://www.kirklandwa.gov/depart/Planning/DRB\\_Meeting\\_Information.htm](http://www.kirklandwa.gov/depart/Planning/DRB_Meeting_Information.htm)

Below is a summary of the Board's discussions at the four Design Response Conference meetings for the project: October 1, 2012, November 19, 2012, December 17, 2012, and January 14, 2013.

1. October 1, 2012 Design Response Conference. At this meeting, the DRB reviewed the applicant's plans and staff memo dated September 25, 2012 based on consistency with the applicable design guidelines and feedback given at the Conceptual Design Conferences held on January 9, 2012 and on October 1, 2012.

After receiving public comment on the project and deliberation, the Board requested that the applicant return for a second meeting to respond to recommendations regarding the stair/elevator enclosure near the courtyard and the design of the north, east, and south facades of the Main Street Building. Other recommendations included addressing the visibility of the proposed rooftop parking, location of rooftop appurtenances, visibility of back-of-house functions, lack of a landscape plan, and cluttered nature of the proposed courtyard. This meeting was continued.

2. November 19, 2012 Design Response Conference. The DRB reviewed the applicant's response to their previous recommendations. The staff memo dated September 25, 2012 also provided an overview and analysis of the project modifications.

At the meeting, the DRB expressed their appreciation of the expanded courtyard design which was a result of additional space created by increasing the setback for the building proposed south of the Hector's restaurant. The DRB also liked the changes made to the Main Street Building, which included removing the rooftop parking and totally enclosing the parking structure. However, the DRB was still concerned about the over-scaled appearance of the north, east, and south facades. The DRB asked that the applicant explore reducing the building scale by incorporating building material and color changes and providing additional detailing and building articulation to these facades. The DRB also asked that the applicant submit a landscape and lighting plan for their review. This meeting was continued.

3. December 17, 2012 Design Response Conference. The DRB reviewed the applicant's response to their previous recommendations. The staff memo dated December 10, 2012 also provided an overview and analysis of the project modifications.

In general the DRB liked the changes made to the north, east, and south facades of the Main Street Building but still had concerns regarding materials being used, the large scale of the northeast façade, and the roof design of the bays at the north façade. The DRB provided additional direction for improvement of these areas. The DRB also discussed the future location of signs and how they could potentially impact the building architecture. The DRB asked that the applicant provide some preliminary information on signage.

In reviewing the courtyard, landscape, and lighting plan, the DRB asked that the landscape plan be updated in terms of plant diversity, the courtyard paving pattern layout should flow with the 'L' shape of the courtyard, and the railings delineating the outdoor seating areas in the courtyard should be created with moveable railings, benches, and planters. The applicant stated that they would like to phase the project. The DRB asked that a phasing plan be presented for DRB review. This meeting was continued.

4. January 14, 2013 Design Response Conference. The applicant requested a decision on the entire project (not phased) and stated that they would submit a new application for DRB review of a phased development at a later date. The applicant presented revised plans, which addressed the remaining concerns from the DRB. The staff memo dated January 7, 2013 also provided an overview and analysis of the project changes. The DRB discussed the changes proposed by the applicant and at the conclusion of the meeting voted to approve the project with conditions. See Section III below for further information regarding the DRB's discussions and conclusions.

#### B. Public Comment

All public comment letters and e-mails received during the Design Response Conference meetings were forwarded to the Board for consideration. Oral comments were given at the public meetings. All written comments are contained in the City's official file and can also be found on the DRB webpage as either a supplement link and/or as an attachment to the staff memo for each respective meeting.

Below is a summary of the general public comment themes that emerged through the design review process:

- The project's zero-foot setback is not appropriate for the neighboring properties and a setback should be required.
- The building's north, south, and east facades should be mitigated.
- Negative impacts of the parking structure should be mitigated.
- The building should not be built to the maximum height allowed by zoning.
- Safety, view, and security concerns for the public walkway as a result of having two large buildings in close proximity to each other.
- Concerns regarding traffic impacts, pedestrian safety, and air quality.
- Green space should be part of the project design.
- The building plan along Lake Street South is well designed.
- The courtyard design should remain uncluttered and not result in a closed off design like at the Heathman Hotel.
- The DRB should not allow a 5' reduction to the upper story setback requirement along Lake Street South.
- The proposed buildings are too large and out of scale compared with other buildings in the CBD.
- The proposed parking structure is out of place.
- The Main Street Building is too close to the Portsmouth condominiums.
- The Comprehensive Plan is not being followed.
- Public comments were not being addressed by the DRB and the public notification process is inadequate.
- Blank walls should be mitigated.

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

The Design Review Board reviews projects for consistency with design guidelines for pedestrian-oriented business districts, as adopted in Kirkland Municipal Code Chapter 3.30. With the recommended conditions of approval, the DRB concludes that the proposed project is consistent with applicable design guidelines.

Below is a summary of key issues and conclusions reached by the Design Review Board during the design review process. For more background on these issues and evaluation of zoning requirements and Design Guidelines, see the staff memorandums from the design response conferences contained in the official file or online at:

[http://www.kirklandwa.gov/depart/Planning/DRB\\_Meeting\\_Information.htm](http://www.kirklandwa.gov/depart/Planning/DRB_Meeting_Information.htm)

#### **A. Building Massing, Architectural, and Human Scale**

1. DRB Discussion: The original preferred massing concept presented at the Conceptual Design Conference (preliminary DRB meeting) depicted buildings fronting directly on Lake Street South separated by covered walkways which led pedestrians into the site to other tenant spaces. The DRB was concerned with the success of this design approach due to the dark passages and uninviting pedestrian spaces that would be created. Instead, the DRB asked the applicant to revise the building massing to reflect the design option that depicted a central plaza/courtyard design but to still carry out the Downtown Seattle Post-Alley theme that had been developed.

The DRB also stressed that Lake Street South and Main Street are key vantage points of the project. In these areas, the DRB asked that building scale be

carefully studied relative to the existing contextual scale. Vertical and horizontal modulation through the use of colors, materials, and setbacks would be important to mitigating the building mass especially along the north, east, and south facades since they adjoin nearby residential developments. Also of importance was mitigating the visibility of parking, and the design and scale of the parking garage portion of the Main Street building.

Staff provided analysis to the DRB in regards to the Zoning Code requirement for an 'upper-story setback' as it applies to portions of buildings fronting along City right-of-way (all of Lake Street and 101.48' of Main Street). As allowed by code, the applicant proposed reducing the upper-story setback requirement along Lake Street for the proposed building addition above the Kirkland Waterfront Market. Staff noted that the applicant's proposal meets the quantitative code requirement for upper-story setbacks, allowance for reductions, and tradeoff for dedicated open space. The DRB discussed the final arrangement of the building massing.

2. Conclusion: The DRB concluded that with conditions, the proposed buildings are consistent with the applicable design guidelines found in *Design Guidelines for Pedestrian-Oriented Business Districts*. The DRB agreed that the following design changes made throughout the process were successful in addressing concerns regarding the parking garage, blank wall treatment, vertical and horizontal modulation, and architectural scale:

- Increased the setback along Lake Street South from 10' to 25' for the majority of the building.
- Redesign of the stair and elevator at the back end of the courtyard to be more internal and not apparent from the courtyard.
- The 3<sup>rd</sup> and 4<sup>th</sup> story of the Hector's addition was pushed back to the required 30' upper story setback from Lake Street South (modification to allow for a 5' setback reduction was removed). The request to reduce the third and fourth story setback (approximately 3' reduction for the building and 5' for the roof overhang) at the Kirkland Waterfront Market addition remained.
- Removed the rooftop deck parking at the Main Street Building.
- Totally enclosed the parking garage of the Main Street Building.
- Setback the 2 top floors (due to parking garage ramping) at the northeast façade of the Main Street building 22' from the east property line where adjoining Main Street.
- Setback the top floor at the southeast façade of the Main Street building 10' from the east property line where adjoining the public walkway.
- Provide landscaping within the neighboring public walkway along the east property line.
- Add retail and/or commercial space at the ground floor along Main Street.

The DRB conditions the design review approval based on the following design options being incorporated into the final building design for permit review:

- North façade of the Main Street Building that is consistent with Option 2 (separated roof forms for each bay).
- Northeast façade of the Main Street Building that is consistent with Option A3 (CMU base and horizontal panel siding above).

- South façade of the Main Street Building that is consistent with Option 1 (infill horizontal panel siding).

#### B. Vehicular and Pedestrian Access

1. DRB Discussion: Staff provided the DRB background information regarding vehicular access. Vehicular access to the subject property is limited given that the property fronts on Lake Street to the west, has limited frontage along Main Street to the east, and is adjacent to a 22' wide alley to the north. Since City guidelines discourage direct access from Lake Street, the City Public Works Department therefore required that the property be accessed from the alley to the north. Additional concerns regarding access in regards to traffic impacts and pedestrian safety would be addressed through the SEPA process.

Therefore at the meetings, the DRB focused their discussion on access as it related to back-of-house functions such as load/unloading and trash areas for the project. The DRB was concerned with the visual impacts of these areas to the neighboring properties and public areas. The DRB discussed the revised load/unloading and trash areas which were moved from Main Street to the alley.

The DRB also discussed pedestrian access as it related to the courtyard and lighting. The DRB expressed concern with the original courtyard design and felt that it was too cluttered by outdoor seating, a large canopy, and the placement of two fireplaces and associated chimneys. The DRB also discussed the need for the courtyard outdoor seating areas boundaries to be non-permanent and that the paving pattern design should be revised to flow with 'L' shape of the courtyard layout.

2. Conclusion: The DRB concluded that the back-of-house location along the alley as it relates to the building's design complies with the design guidelines. The approved back-of-house design was based on discussions with the City Public Works Department and Waste Management.

The DRB also concluded that courtyard design meets the design guidelines on the condition that detailed courtyard plans are submitted with the building permit specifying that the outdoor seating areas be delineated by moveable planters, benches, and railings. By maintaining courtyard furnishings that are modular rather than permanently affixed, the space can be adapted for both private and community functions as described by the applicant in their proposal.

#### C. Landscaping

1. DRB Discussion: The DRB discussed the need for landscaping to help soften building massing, enhance the pedestrian experience, and provide visual interest. Opportunity areas discussed for landscaping included the courtyard, upper story terraces, and along the public walkway along the east property line. The DRB expressed the need for the landscape plan to be updated to provide year round interest and to contain more diversity in plant species which reflect a modern/contemporary aesthetic.

In regards to the planters proposed within the public pedestrian walkway on the Portsmouth property, it was understood that the DRB could not impose design requirements on a neighboring property. However, the DRB agreed that the planters would help soften the southeast façade of the Main Street building. The pedestrian walkway planters were proposed by the applicant and were based on discussions with Portsmouth and the desire by both parties to mitigate the

southeast building façade by using landscaping. The landscape plan retained the planters within the walkway.

2. Conclusion: The DRB concluded that the proposed landscape plan meets the design guidelines with the following conditions:
  - Replace the Salix discolor (American pussy willow) near the public walkway with a different plant species that is columnar and evergreen.
  - Update the plant species to have additional diversity and seasonal interest. The resulting planting plan shall be dynamic with a variety of color and contemporary plant species which expand upon the Phyllostachys nigra (black bamboo) aesthetic proposed near the public walkway.

The DRB also concluded that if the landscape plan were to be subsequently modified in that the planters within the public pedestrian walkway were removed, the façade would still be consistent with the design guidelines given the smaller building scale at this area.

#### D. Building Materials, Color, and Details

1. DRB Discussion: Throughout the design review process, the DRB evaluated the proposed materials and colors. The DRB ensured that they reinforced the design techniques being used to help mitigate building massing. The DRB also discussed briefly the need for future signage to be integrated with the building's architecture.
2. Conclusion: The DRB concluded that the project was consistent with the guidelines relating to signage, building materials, colors, and details.

### IV. DEVELOPMENT REVIEW COMMITTEE

Comments and requirements placed on the project by City departments are found on the Development Standards Sheet, Attachment 3. The applicant must follow the requirements of other departments set forth in Attachment 3.

### V. APPEALS OF DESIGN REVIEW BOARD DECISION AND LAPSE OF APPROVAL

#### A. Appeals

KZC Section 142.40 allows the Design Review Board's decision to be appealed to the Hearing Examiner by the applicant or any other individual or entity who submitted written or oral comments to the Design Review Board. A party who signed a petition may not appeal unless such party also submitted independent written comments or information.

The appeal must be in the form of a letter of appeal and must be delivered, along with any fees set by ordinance (\$215.77), to the Planning Department by 5:00 p.m., February 11, 2013, fourteen (14) calendar days following the postmarked date of distribution of the Design Review Board's decision. The letter of appeal must contain a clear reference to the matter being appealed and a statement of the specific elements of the Design Review Board decision disputed by the person filing the appeal.

Only those issues under the authority of the Design Review Board as established by KZC Sections 142.35(3) and (4) are subject to appeal.

**B. Lapse of Approval**

KZC Section 142.55 states that for final DRB approvals issued on or before December 31, 2014, the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within seven (7) years after the final approval of the City of Kirkland on the matter, or the decision becomes void.

For final approvals issued on or before December 31, 2014, the applicant must substantially complete construction for the development activity, use of land or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within nine (9) years after the final approval on the matter or the decision becomes void.

**VI. ATTACHMENTS**

1. Vicinity Map
2. Applicant Plans
3. Development Standards
4. Materials Board

**VII. PARTIES**

Parties that have submitted written and/or provided oral comment to the DRB have been placed on a 'Party of Record' list which can be found in the official file.

**VIII. APPROVAL**

 JAN 24, 2013

James Truman, Chair  
Design Review Board

Date

CC: PARTIES OF RECORD – FILE NO. DRV12-00921  
MAIL LIST – FILE NO. DRV12-00921

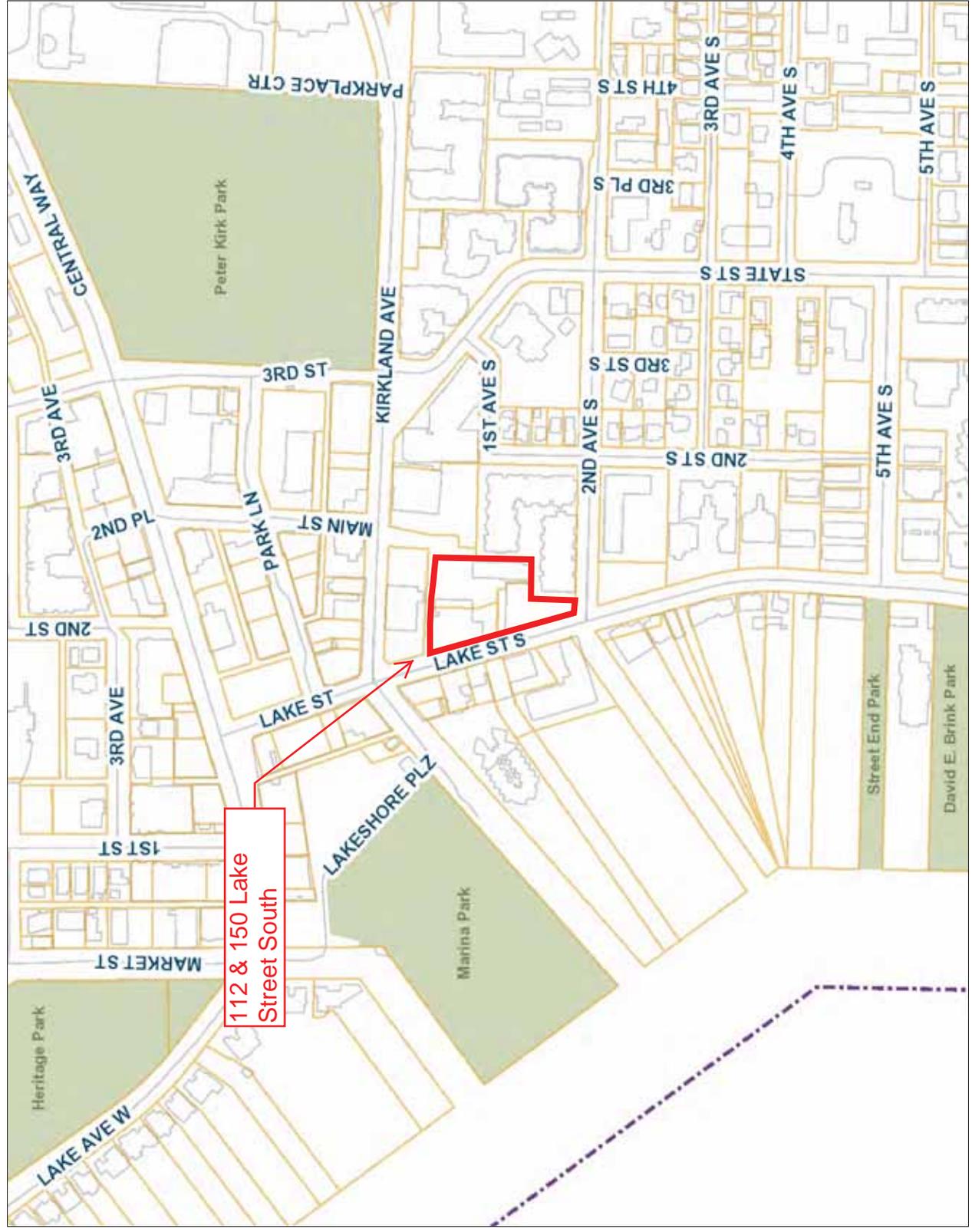


- Legend**
- City Limits
  - Railroad
  - Streets
  - Parcels
  - Buildings
  - Parks
  - Schools

1:4,444



Notes  
 Project Area Map



No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

NAD\_1983\_StatePlane\_Washington\_North\_FIPS\_4601\_Feet  
 Produced by the City of Kirkland. © 2011 City of Kirkland, Washington, all rights reserved.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



# Lake Street Place

Kirkland, WA

## Design Response Conference 4



McLeod Development

**CHESMORE|BUCK**  
architecture

# Lake Street Place

Kirkland, WA

## Site Plan – 3 Parcels



# Lake Street Place

Kirkland, WA

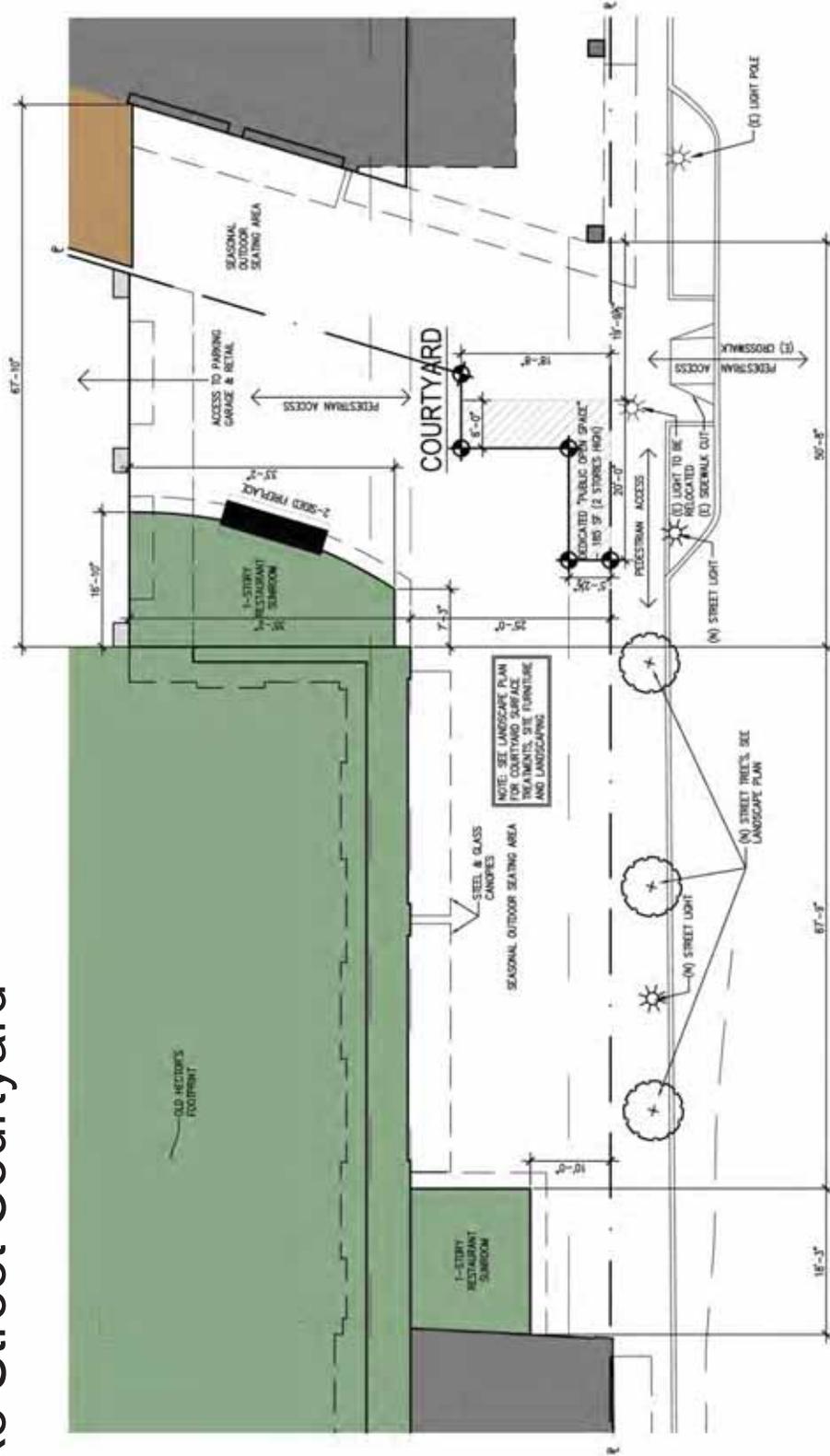
## 1st Floor Plan



# Lake Street Place

## Lake Street Courtyard

Kirkland, WA



ENLARGED COURTYARD PLAN



2

1" = 10'



# Lake Street Place

Kirkland, WA

## Alley Elevation - roof line study



Option 1

# Lake Street Place

Kirkland, WA

## Alley Elevation - roof line study



Option 2

# Lake Street Place

## Alley - roof line study

Kirkland, WA

---



Option 1



Option 2

# Lake Street Place

Kirkland, WA

## Alley Elevation - roof line study

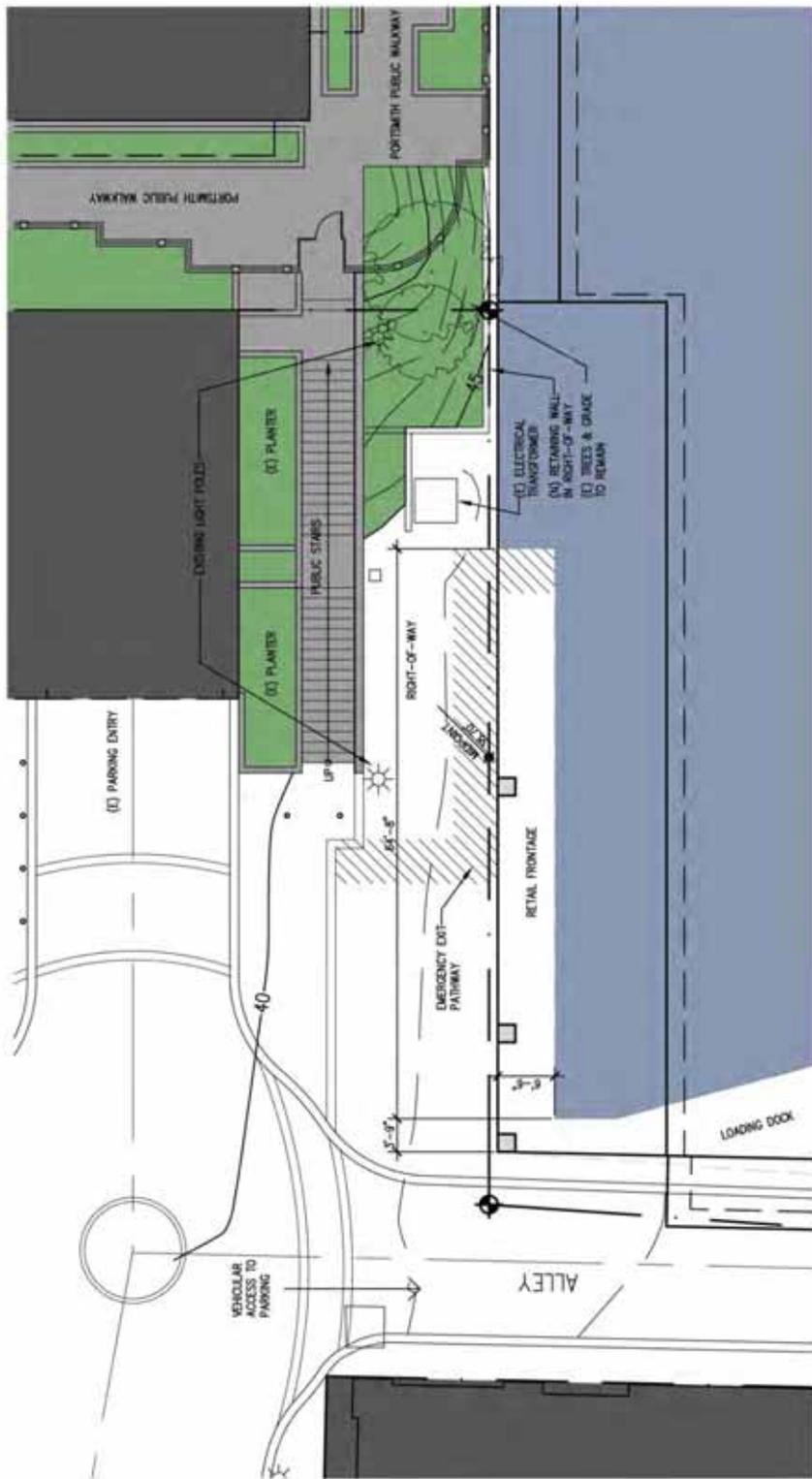


Preferred option 1 - aerial perspective from NE

# Lake Street Place

## Main St Frontage

Kirkland, WA



1 ENLARGED MAIN STREET PLAN

1" = 10'



# Lake Street Place

## Main Street Frontage

Kirkland, WA

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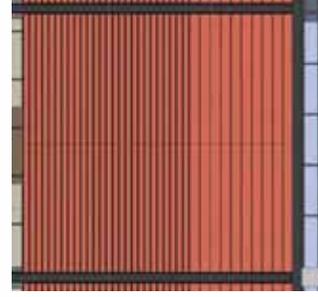


Public stair & Main St frontage

# Lake Street Place

Kirkland, WA

## Previous proposal - Option A



# Lake Street Place

Kirkland, WA

## Northeast Elevation - Option A1-a



Added horizontal steel channel and steel & glass awning

# Lake Street Place

Kirkland, WA

## Northeast Elevation - Option A1-b



Added horizontal steel channel and steel trellis awning

# Lake Street Place

Kirkland, WA

## Northeast Elevation - Option A2



Metal panel columns & horizontal top band with intermediate steel channels with steel & glass awning

# Lake Street Place

Kirkland, WA

## Northeast Elevation - Option A3



CMU base with taller storefront spandrel glass bays with steel & glass awning

# Lake Street Place

Kirkland, WA

## Northeast Elevation – Options at alley corner



Option A1



Option A2

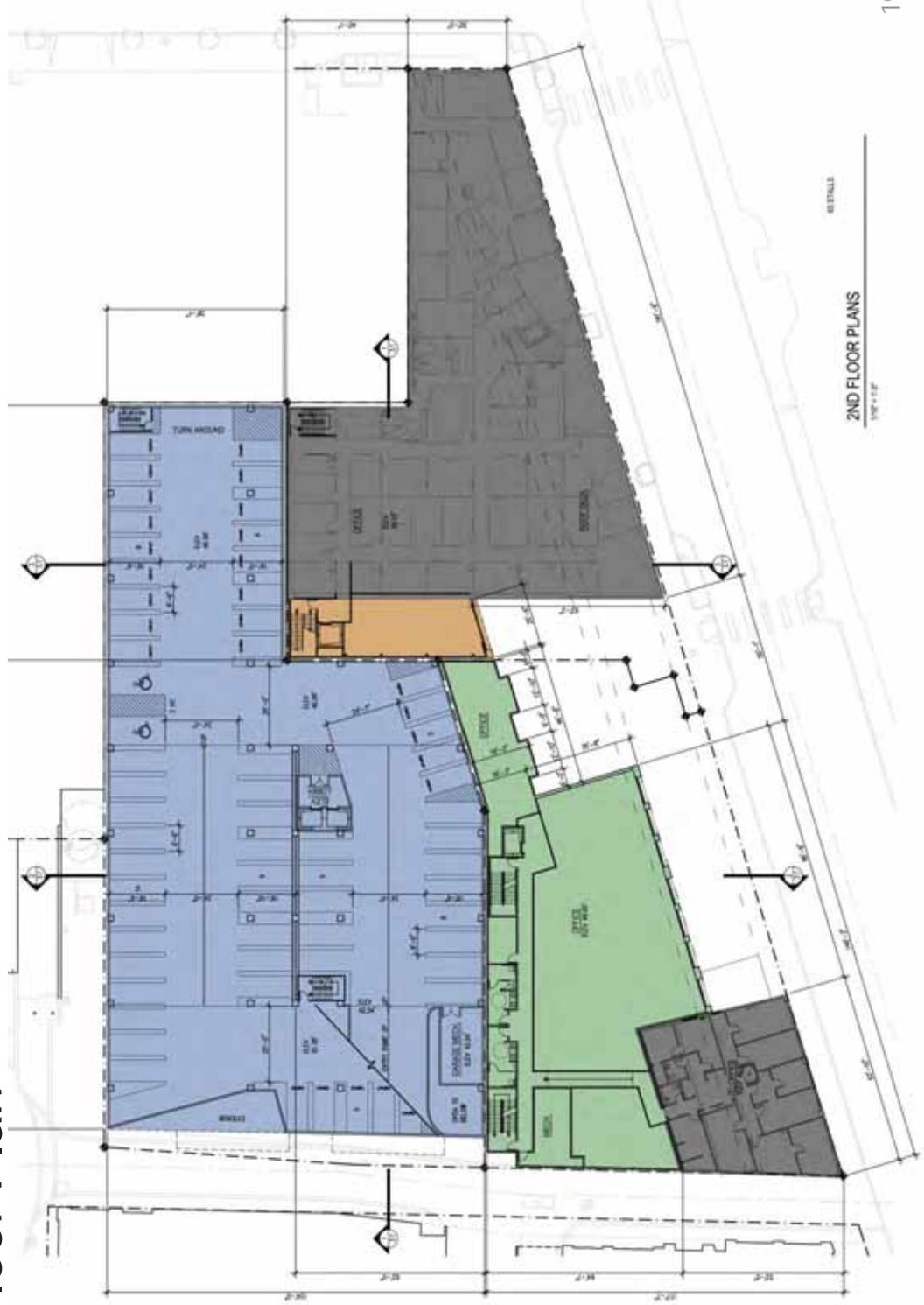


Option A3

# Lake Street Place

Kirkland, WA

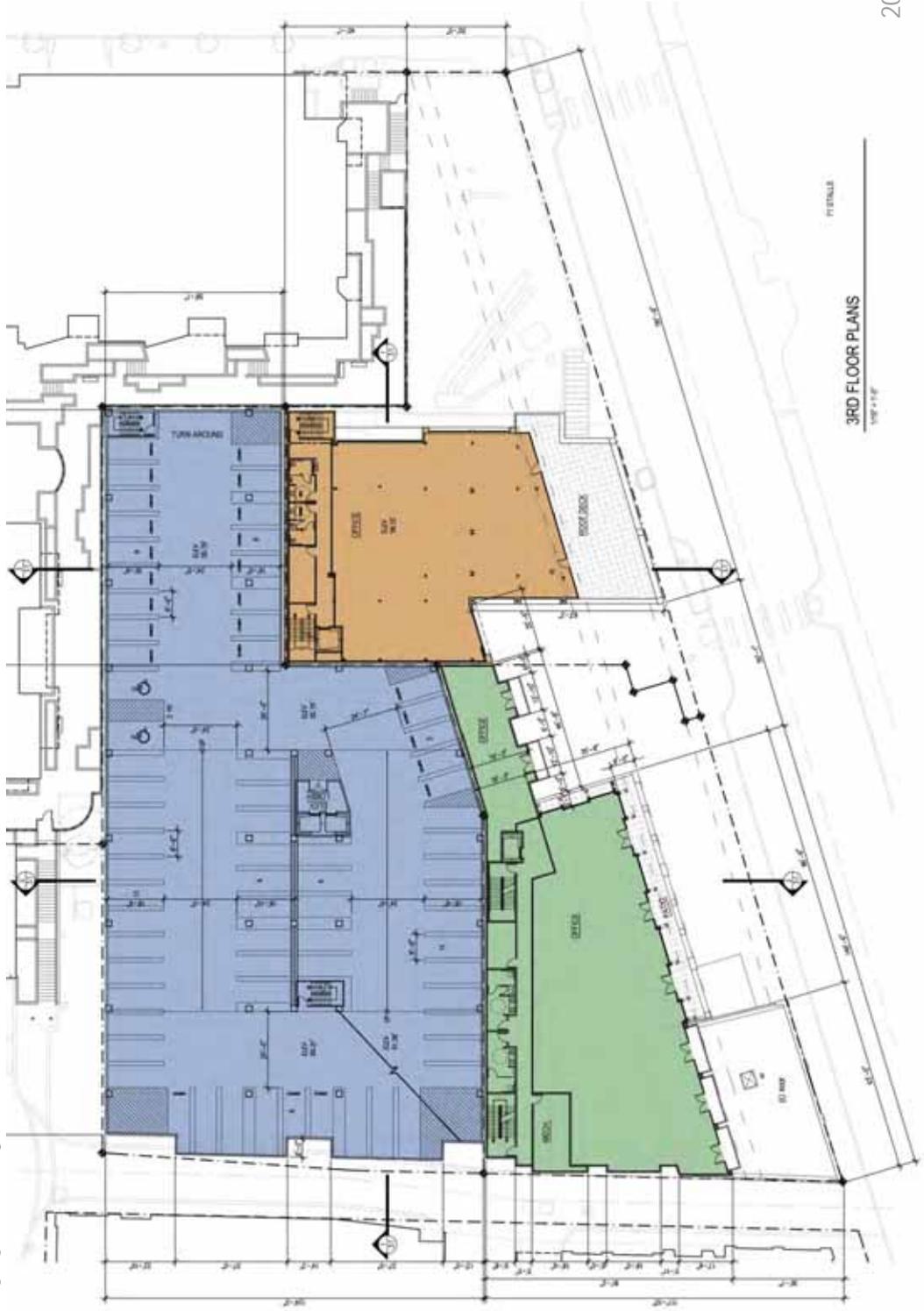
## 2nd Floor Plan



# Lake Street Place

Kirkland, WA

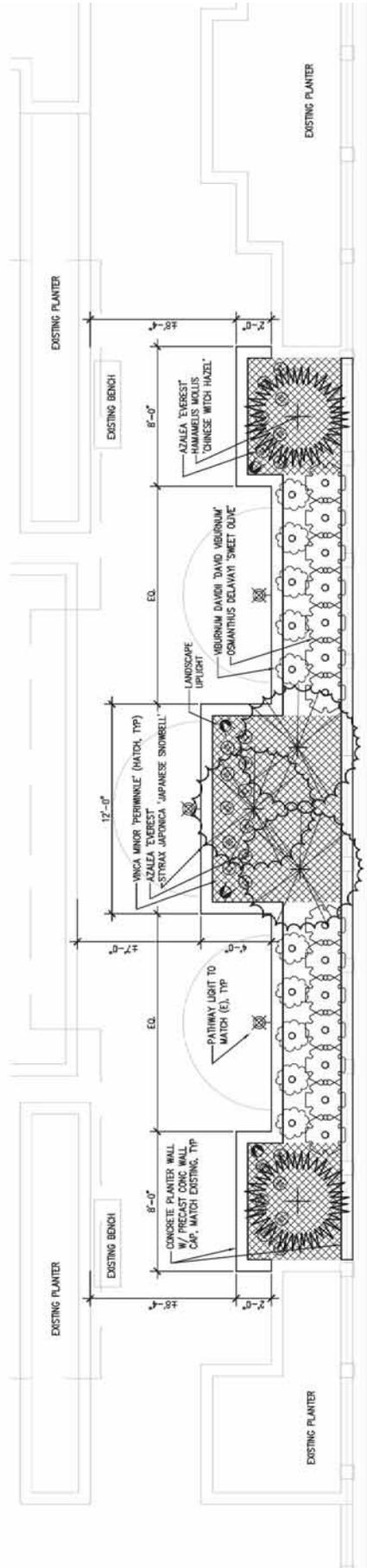
## 3rd Floor Plan



# Lake Street Place

Kirkland, WA

## Portsmouth public walkway - Landscape



2 LANDSCAPE PLAN - PORTSMOUTH IMPROVEMENTS

1/4" = 1'-0"



# Lake Street Place

Kirkland, WA

## Southeast Elevation - Option 1



6" Hardie plank rainscreen with 2" gaps – see mock-up

# Lake Street Place

Kirkland, WA

## Southeast Elevation - Option 2



4'x8' Hardie panel rainscreen with 2" gaps

# Lake Street Place

Kirkland, WA

## Southeast Elevation - Option 3



12"x24" tile infill – see mock-up

# Lake Street Place

Kirkland, WA

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## South Elevation – All options



Option 1



Option 2



Option 3

# Lake Street Place

## Overall East Elevation

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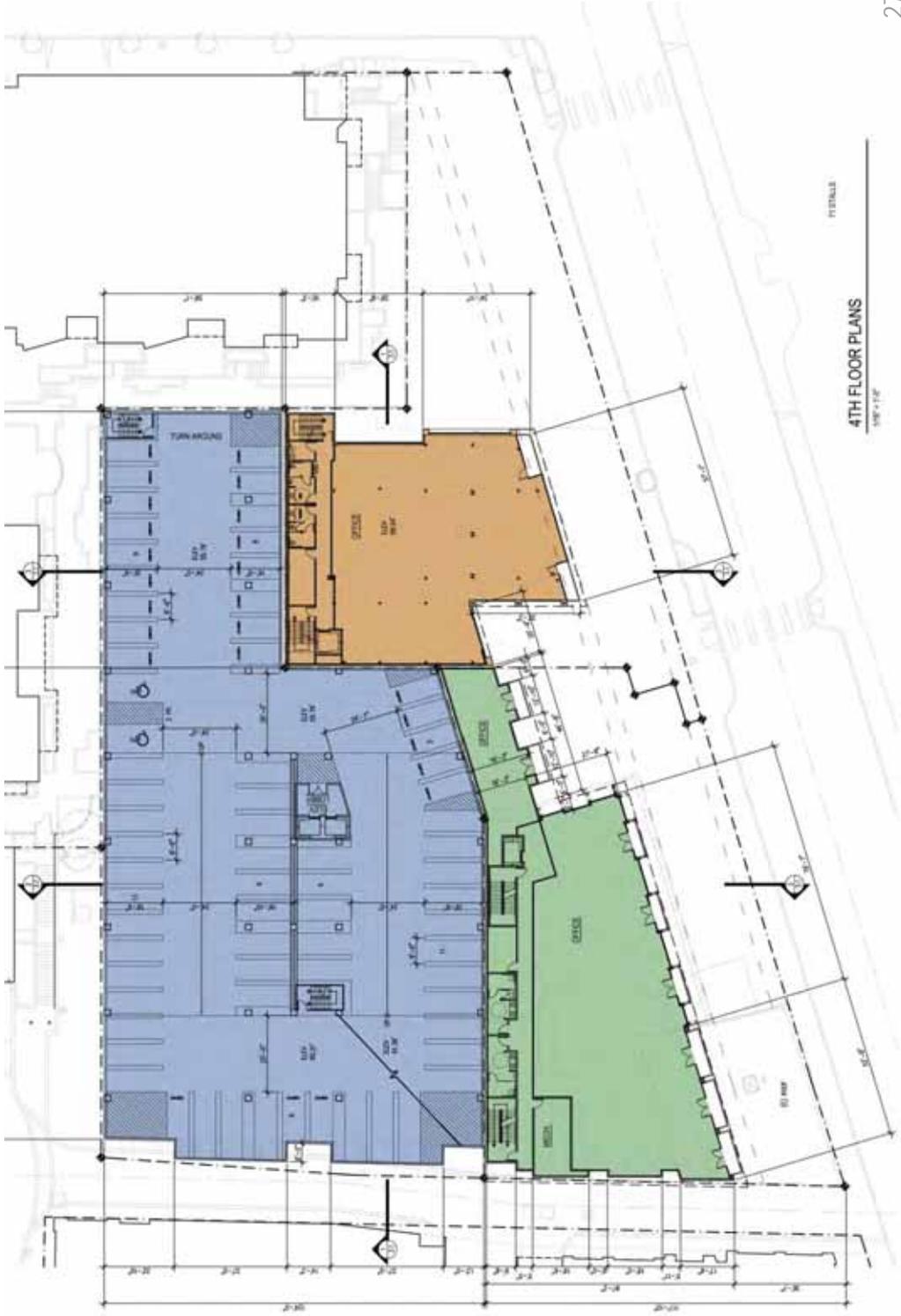
Kirkland, WA



# Lake Street Place

Kirkland, WA

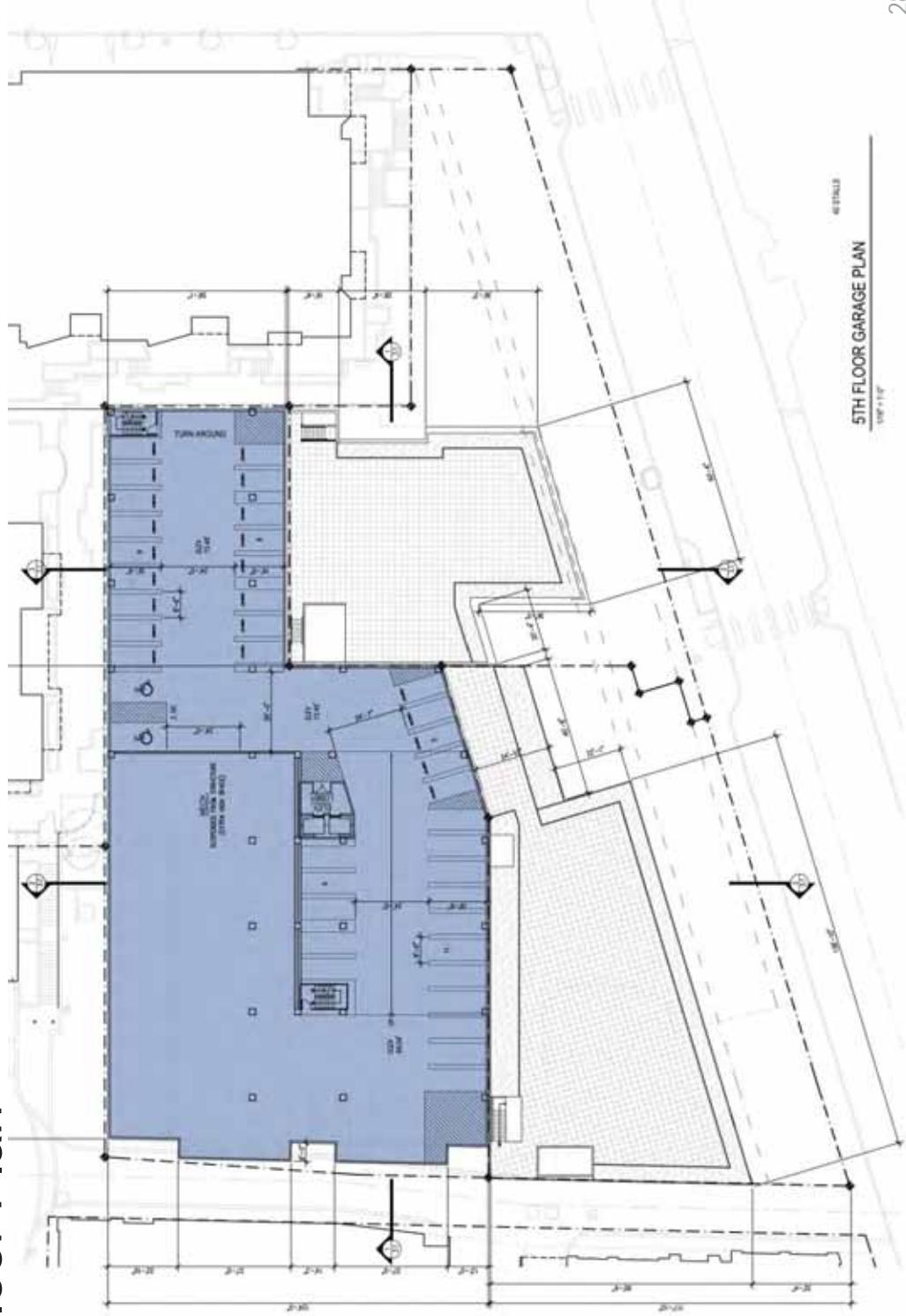
## 4th Floor Plan



# Lake Street Place

Kirkland, WA

## 5th Floor Plan





# Lake Street Place

Kirkland, WA

## Upper Floor Roof Deck - Landscape

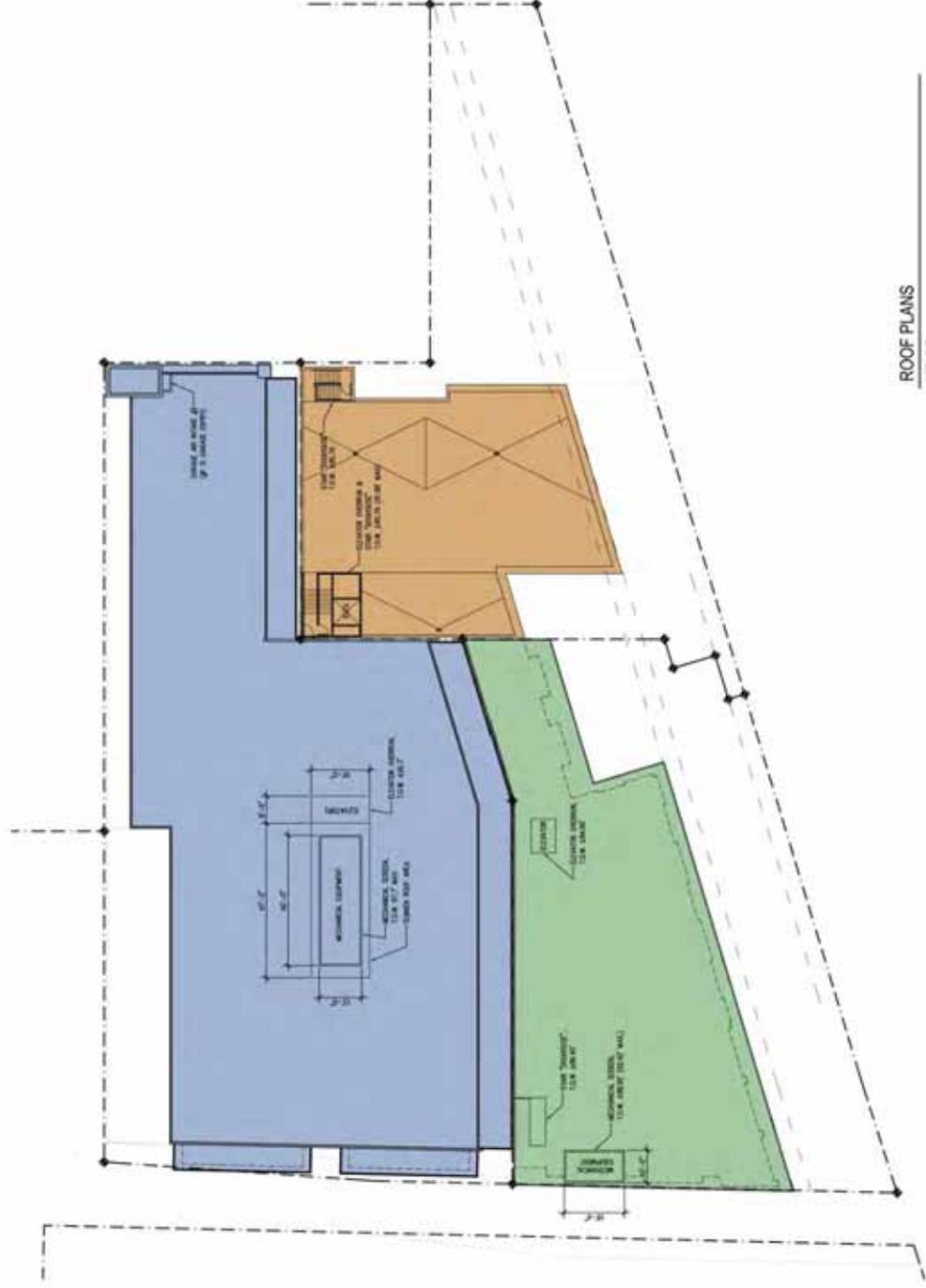




# Lake Street Place

Kirkland, WA

## Roof Plan



ROOF PLANS  
1/16" = 1'-0"

# Lake Street Place

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## Signage

Kirkland, WA

- Signs & signage are governed by KZC Chapter 100 and require separate sign permit(s).
- Signs are limited in installation type, number and total area.
- Applicant anticipates applying for Master Sign Plan.



# Lake Street Place

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## Signage

Kirkland, WA

- Signs & signage are governed by KZC Chapter 100 and require separate sign permit(s).
- Signs are limited in installation type, number and total area.
- Applicant anticipates applying for Master Sign Plan.



# Lake Street Place

Kirkland, WA

## Facts

### 2008 DRB & City Council approved Lake Street Mixed-Use Project

- Owner had building permit and financing
- 224,500 sf Parking Garage with 522 parking stalls
- 45,000 sf Restaurant / Retail use
- 120,000 sf Office use
- Plus auxiliary support spaces
- **Total 417,000sf**
- (190,000 sf leasable)

### Current Lake Street Place Proposal

- 83,800 sf Parking Garage with 252 parking stalls
- 26,600 sf Existing building area
- 79,150 sf New building area
- **Total 189,550 sf**
- (105,000 sf leasable)

### Other Large Downtown Properties

- Lake Street Place (proposed) – 105,000 sf
- Bank of America/The 101 – 83,525 sf
- Merrill Gardens – 136,743 sf
- Portsmith Condominiums – 204,546 sf
- Heathman Hotel – 73,064 sf
- Kirkland Central – 127,099 sf
- (areas do not include parking)

\*All numbers approximate



# Lake Street Place

Kirkland, WA

## Current Proposal vs 2008 Proposal



# Lake Street Place

Kirkland, WA

## Current Proposal vs 2008 Proposal



# Lake Street Place

Kirkland, WA

## Current Proposal vs 2008 Proposal



# Lake Street Place

Kirkland, WA

## Current Proposal vs 2008 Proposal



# Lake Street Place

## Design Response Conference

Kirkland, WA

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McLeod Development

**CHESMORE|BUCK**  
architecture

**DEVELOPMENT STANDARDS. DRV12-00921.**

**PLANNING, FIRE, AND PUBLIC WORKS (No comments from Building Dept.)**

**PLANNING DEPARTMENT - ZONING CODE STANDARDS**

**Lot Line Adjustment** - Prior to submitting the building permit application for the project, the applicant shall submit a lot line adjustment application that matches the revised lot line configuration in Attachment 2.

**5.10.920 Subject Property.** The entire lot, series of lots or parcels on which a development or use is or will be located and that is otherwise subject to the provision of this code.

**92.35 Prohibited Materials In Design Districts.** If in a design district the following building materials are prohibited or limited in use: mirrored glass or reflective materials, corrugated fiberglass, chain link fencing, metal siding, concrete block, backlit awnings. Water spigots are required along building facades along sidewalks for cleaning and plant watering. Commercial buildings with more than one tenant shall install a cornerstone or plaque.

**95.51.2.a Required Landscaping.** All required landscaping shall be maintained throughout the life of the development. The applicant shall submit an agreement to the city to be recorded with King County which will perpetually maintain required landscaping. Prior to issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City.

**95.44 Parking Area Landscape Islands.** Landscape islands must be included in parking areas as provided in this section.

**95.50 Tree Installation Standards.** All supplemental trees to be planted shall conform to the Kirkland Plant List. All installation standards shall conform to Kirkland Zoning Code Section 95.45.

**95.52 Prohibited Vegetation.** Plants listed as prohibited in the Kirkland Plant List shall not be planted in the City.

**100.25 Sign Permits.** Separate sign permit(s) are required. In JBD and CBD cabinet signs are prohibited.

**105.18 Pedestrian Walkways.** All uses, except single family dwelling units and duplex structures, must provide pedestrian walkways designed to minimize walking distances from the building entrance to the right of way and adjacent transit facilities, pedestrian connections to adjacent properties, between primary entrances of all uses on the subject property, through parking lots and parking garages to building entrances. Easements may be required. In design districts through block pathways or other pedestrian improvements may be required. See also Plates 34 in Chapter 180.

**105.32 Bicycle Parking.** All uses, except single family dwelling units and duplex structures with 6 or more vehicle parking spaces must provide covered bicycle parking within 50 feet of an entrance to the building at a ratio of one bicycle space for each twelve motor vehicle parking spaces. Check with Planner to determine the number of bike racks required and location.

**105.18 Entrance Walkways.** All uses, except single family dwellings and duplex structures, must provide pedestrian walkways between the principal entrances to all businesses, uses, and/or buildings on the subject property.

**105.18 Overhead Weather Protection.** All uses, except single family dwellings, multifamily, and industrial uses, must provide overhead weather protection along any portion of the building, which is adjacent to a pedestrian walkway.

**105.18.2 Walkway Standards.** Pedestrian walkways must be at least 5' wide; must be distinguishable from traffic lanes by pavement texture or elevation; must have adequate lighting for security and safety. Lights must be non-glare and mounted no more than 20' above

the ground.

**105.18.2 Overhead Weather Protection Standards.** Overhead weather protection must be provided along any portion of the building adjacent to a pedestrian walkway or sidewalk; over the primary exterior entrance to all buildings. May be composed of awnings, marquees, canopies or building overhangs; must cover at least 5' of the width of the adjacent walkway; and must be at least 8 feet above the ground immediately below it. In design districts, translucent awnings may not be backlit; see section for the percent of property frontage or building facade.

**105.19 Public Pedestrian Walkways.** The height of solid (blocking visibility) fences along pedestrian pathways that are not directly adjacent a public or private street right-of-way shall be limited to 42 inches unless otherwise approved by the Planning or Public Works Directors. All new building structures shall be setback a minimum of five feet from any pedestrian access right-of-way, tract, or easement that is not directly adjacent a public or private street right-of-way. If in a design district, see section and Plate 34 for through block pathways standards.

**105.58 Parking Lot Locations in Design Districts.** See section for standards unique to each district.

**105.65 Compact Parking Stalls.** Up to 50% of the number of parking spaces may be designated for compact cars.

**105.60.2 Parking Area Driveways.** Driveways which are not driving aisles within a parking area shall be a minimum width of 20 feet.

**105.60.3 Wheelstops.** Parking areas must be constructed so that car wheels are kept at least 2' from pedestrian and landscape areas.

**105.77 Parking Area Curbing.** All parking areas and driveways, for uses other than detached dwelling units must be surrounded by a 6" high vertical concrete curb.

**110.52 Sidewalks and Public Improvements in Design Districts.** See section, Plate 34 and public works approved plans manual for sidewalk standards and decorative lighting design applicable to design districts.

**110.60.5 Street Trees.** All trees planted in the right-of-way must be approved as to species by the City. All trees must be two inches in diameter at the time of planting as measured using the standards of the American Association of Nurserymen with a canopy that starts at least six feet above finished grade and does not obstruct any adjoining sidewalks or driving lanes.

**115.25 Work Hours.** It is a violation of this Code to engage in any development activity or to operate any heavy equipment before 7:00 am. or after 8:00 pm Monday through Friday, or before 9:00 am or after 6:00 pm Saturday. No development activity or use of heavy equipment may occur on Sundays or on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. The applicant will be required to comply with these regulations and any violation of this section will result in enforcement action, unless written permission is obtained from the Planning official.

**115.45 Garbage and Recycling Placement and Screening.** For uses other than detached dwelling units, duplexes, moorage facilities, parks, and construction sites, all garbage receptacles and dumpsters must be setback from property lines, located outside landscape buffers, and screened from view from the street, adjacent properties and pedestrian walkways or parks by a solid sight-obscuring enclosure.

**115.47 Service Bay Locations.** All uses, except single family dwellings and multifamily structures, must locate service bays away from pedestrian areas. If not feasible must screen from view.

**115.75.2 Fill Material.** All materials used as fill must be non-dissolving and non-decomposing. Fill material must not contain organic or inorganic material that would be detrimental to the water quality, or existing habitat, or create any other significant adverse impacts to the environment.

**115.90 Calculating Lot Coverage.** The total area of all structures and pavement and any other impervious surface on the subject property is limited to a maximum percentage of total lot area. See the Use Zone charts for maximum lot coverage percentages allowed. Section 115.90 lists exceptions to total lot coverage calculations See Section 115.90 for a more detailed explanation of these exceptions.

**115.95 Noise Standards.** The City of Kirkland adopts by reference the Maximum Environmental Noise Levels established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-60 WAC. 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.

**115.115.3.p HVAC and Similar Equipment:** These may be placed no closer than five feet of a side or rear property line, and shall not be located within a required front yard; provided, that HVAC equipment may be located in a storage shed approved pursuant to subsection (3)(m) of this section or a garage approved pursuant to subsection (3)(o)(2) of this section. All HVAC equipment shall be baffled, shielded, enclosed, or placed on the property in a manner that will ensure compliance with the noise provisions of KZC 115.95.

**115.115.d Driveway Setbacks.** Parking areas and driveways for uses other than detached dwelling units, attached and stacked dwelling units in residential zones, or schools and day-cares with more than 12 students, may be located within required setback yards, but, except for the portion of any driveway which connects with an adjacent street, not closer than 5 feet to any property line.

**115.120 Rooftop Appurtenance Screening.** New or replacement appurtenances on existing buildings shall be surrounded by a solid screening enclosure equal in height to the appurtenance. New construction shall screen rooftop appurtenances by incorporating them in to the roof form.

**115.135 Sight Distance at Intersection.** Areas around all intersections, including the entrance of driveways onto streets, must be kept clear of sight obstruction as described in this section.

***Prior to occupancy:***

**95.51.2.a Required Landscaping.** All required landscaping shall be maintained throughout the life of the development. The applicant shall submit an agreement to the city to be recorded with King County which will perpetually maintain required landscaping. Prior to issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City

**110.60.5 Landscape Maintenance Agreement.** The owner of the subject property shall sign a landscape maintenance agreement, in a form acceptable to the City Attorney, to run with the subject property to maintain landscaping within the landscape strip and landscape island portions of the right-of-way. It is a violation to pave or cover the landscape strip with impervious material or to park motor vehicles on this strip.

**110.60.6 Mailboxes.** Mailboxes shall be installed in the development in a location approved by the Postal Service and the Planning Official. The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development.

**110.75 Bonds.** The City may require or permit a bond to ensure compliance with any of the requirements of the Required Public Improvements chapter.

**FIRE FLOW**

Available fire flow in the area is approximately 4,000 gpm, which is adequate for development. An additional hydrant may be required to provide coverage.

**HYDRANTS**

One new hydrant is required to be installed in front of the property. It shall be equipped with a 5" Storz fitting.

**SPRINKLERS & STANDPIPES**

Fire sprinklers and standpipes are required to be installed throughout the building. A separate permit is required from the Fire Department prior to installation. Submit three sets of plans, specifications and calculations for approval. All plans shall be designed and stamped by a person holding a State of Washington Certificate of Competency Level III certification. The system, including the underground supply line, shall be installed by a state licensed sprinkler contractor. REF RCW 18.60 State of Washington.

Note: Per the IFC and IBC, standpipes shall be operational when the progress of construction is not more than 35 feet in height above the lowest level of fire department access. The standpipe shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring.

**FIRE ALARM**

A fire alarm system is required to be installed throughout the building. A separate permit is required from the Fire Department prior to installation. Submit three sets of plans and specifications for approval. The system shall comply with Washington State Barrier Free requirements regarding installation of visual devices and pull stations. The specific requirements for the system can be found in Kirkland Operating Policy 10.

**FIRE EXTINGUISHERS**

Portable fire extinguishers are required per Section 906 of the IFC and Kirkland Municipal Code 21.20.105. Minimum rating shall be 2A10BC. Travel distance to a fire extinguisher shall not exceed 75 feet as measured along the route of travel. Extinguishers shall be mounted or in cabinets so that the top of the extinguisher is no more than 5 feet above the finished floor. Note: The exception noted in the IFC in which buildings with quick response sprinklers are not required to provide extinguishers was not adopted by Kirkland.

**KEY BOX**

A Key box is required (Knox Box). It shall be installed in an approved accessible location no higher than six feet above grade. In most cases it will be located at the front entrance to the building. The box may be purchased on-line at [www.knoxbox.com](http://www.knoxbox.com); or by filling out an order form which is available from the Fire Department office. Contact the Fire Prevention Bureau at 425-587-3650 for more information.

**BUILDING RADIO COVERAGE**

Building Radio Coverage (800 MHz). Effective 1/1/07, all new buildings shall support adequate radio coverage for City emergency services workers, including but not limited to firefighters and police officers.

**PUBLIC WORKS DEPARTMENT**

You can review your permit status and conditions at [www.kirklandpermits.net](http://www.kirklandpermits.net)

**PUBLIC WORKS CONDITIONS**

Permit #: DRV12-00921

Project Name: Mcleod Lake Street Mixed Use

Project Address: 118 Lake Street South

Date: September 18, 2012

**Public Works Staff Contacts**

Land Use and Pre-Submittal Process:

Rob Jammerman, Development Engineering Manager

Phone: 425-587-3845 Fax: 425-587-3807

E-mail: [rjammer@ci.kirkland.wa.us](mailto:rjammer@ci.kirkland.wa.us)

Building and Land Surface Modification (Grading) Permit Process:

John Burkhalter, Development Engineering Supervisor

Phone: 425-587-3853 Fax: 425-587-3807

E-mail: [jburkhal@ci.kirkland.wa.us](mailto:jburkhal@ci.kirkland.wa.us)

**General Conditions:**

1. All public improvements associated with this project including street and utility improvements, must meet the City of Kirkland Public Works Pre-Approved Plans and Policies Manual. A Public Works Pre-Approved Plans and Policies manual can be purchased from the Public Works Department, or it may be retrieved from the Public Works Department's page at the City of Kirkland's web site at [www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us).
2. This project will be subject to Public Works Permit and Connection Fees. It is the applicant's responsibility to contact the Public Works Department by phone or in person to determine the fees. The fees can also be review

the City of Kirkland web site at [www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us). The applicant should anticipate the following fees:

- o Water and Sewer connection Fees (paid with the issuance of a Building Permit)
- o Side Sewer Inspection Fee (paid with the issuance of a Building Permit)
- o Water Meter Fee (paid with the issuance of a Building Permit)
- o Right-of-way Fee
- o Review and Inspection Fee (for utilities and street improvements).
- o Traffic Impact Fee (paid with the issuance of Building Permit). For additional information, see notes below.

3. The applicant must apply for a Concurrency Test Notice. Contact Thang Nguyen, Transportation Engineer, a 425-587-3869 for more information.

4. Building Permits associated with this proposed project will be subject to the traffic impact fees per Chapter 27.04 of the Kirkland Municipal Code. The impact fees shall be paid prior to issuance of the Building Permit(s).

5. Any buildings which have been demolished will receive a Traffic Impact Fee credit if a complete Building Permit is applied for within 5 years of the demolition of the existing building. This credit will be applied to the first Building Permit that is applied for within the project.

6. Provide a construction parking plan prior to issuance of a Building Permit.

7. All civil engineering plans which are submitted in conjunction with a building, grading, or right-of-way permit must conform to the Public Works Policy titled ENGINEERING PLAN REQUIREMENTS. This policy is contained in the Public Works Pre-Approved Plans and Policies manual.

8. All street improvements and underground utility improvements (storm, sewer, and water) must be designed by a Washington State Licensed Engineer; all drawings shall bear the engineers stamp.

9. All plans submitted in conjunction with a building, grading or right-of-way permit must have elevations which are based on the King County datum only (NAVD 88).

10. A completeness check meeting is required prior to submittal of any Building Permit applications.

11. Prior to issuance of any commercial or multifamily Building Permit, the applicant shall provide a plan for garbage storage and pickup. The plan shall be approved by Waste Management and the City.

#### Sanitary Sewer Conditions:

1. The existing sanitary sewer main within the public right-of-way along the front of the property is adequate.
2. Provide a 6-inch minimum side sewer stub to the building; plumbing code may dictate a larger side sewer line. Parking garage drains shall be connected to the sewer.

#### Water System Conditions:

1. The existing water main in the public right-of-way along the front of the subject property is adequate.
2. Provide water service to the building sized per the Uniform Plumbing Code. In mixed-use projects each use shall have a separate water meter, i.e., the retail use shall have a separate water meter from commercial office use.
3. All unused existing water services shall be abandoned at the water main.
4. Provide fire hydrants per the Fire Departments requirements.

#### Surface Water Conditions:

##### 2009 KCSWDM

1. Provide temporary and permanent storm water control per the 2009 King County Surface Water Design Manual and the Kirkland Addendum. See Policies D-2 and D-3 in the PW Pre-Approved Plans for drainage review information, or contact city of Kirkland Surface Water staff at (425) 587-3800 for help in determining drainage review requirements.
2. If this project disturbs greater than one acre, the applicant is responsible to apply for a Construction Stormwater General Permit from Washington State Dept. of Ecology. Specific permit information can be found at the following website: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> Among other requirements, this permit requires the applicant to prepare a Storm Water Pollution Prevention Plan

(SWPPP) and identify a Certified Erosion and Sediment Control Lead (CESCL) prior to the start of construction. The CESCL shall attend the City of Kirkland Public Works Department pre-construction meeting with a completed SWPPP.

3. Provide an erosion control plan with Building or Land Surface Modification Permit application. The plan shall be in accordance with the 2009 King County Surface Water Design Manual.
4. Construction drainage control shall be maintained by the developer and will be subject to periodic inspections. During the period from April 1 to October 31, all denuded soils must be covered within 15 days; between November 1 and March 31, all denuded soils must be covered within 12 hours. If an erosion problem already exists on the site, other cover protection and erosion control will be required.
5. All roof and driveway drainage must be tight-lined to the storm drainage system.

Street and Pedestrian Improvement Conditions:

1. The subject property abuts Lake Street (an Arterial) and a public alley. Zoning Code sections 110.10 and 110.25 require the applicant to make half-street improvements in rights-of-way abutting the subject property. Section 110.30-110.50 establishes that this street must be improved with the following:

Lake Street

- A. Remove and replace all of the existing curb and gutter (that has not already been replaced).
- B. Remove the existing sidewalk and install a new 10 ft wide (minimum) sidewalk with street trees in tree grates 30 ft on-center. The section of sidewalk in front of Hectors Restaurant that is less than 10 ft wide can be replaced to the same width (with no street trees) as long as that building remains in place.
- C. Install standard CBD pedestrian lighting 60 ft. on-center (except in front of Hectors)
- D. Install new storm drainage as necessary.
- E. The on-street parking must be maintained.

Alley

- A. The existing alley that runs east/west between this property and the Bank of America property (which has been redeveloped) shall be widened to 22 ft in width minimum to accommodate the two parking garages that will be using this alley for access. The Mcleod project shall dedicate enough right-of-way to encompass the 22 ft width across the project frontage (the dedication tapers from wide to narrow – east to west). Within the 22 ft. the City has agreed that a 4 ft wide sidewalk with a rolled curb and an asphalt paved alley will best serve both developments. The sidewalk will serve the pedestrian use in the alley and will also be mountable (with the rolled curb) in cases where two large vehicles need to pass; this curb and sidewalk has been installed on the north side of the alley
  - B. The parking garage shall have one exit ramp and one entrance ramp.
2. A 2-inch asphalt street/alley overlay will be required where three or more utility trench crossings occur within 150 lineal ft. of street length or where utility trenches parallel the street centerline. Grinding of the existing asphalt to blend in the overlay will be required along all match lines.
  3. All street and driveway intersections shall not have any visual obstructions within the sight distance triangle. See Public Works Pre-approved Policy R.13 for the sight distance criteria and specifications.
  4. It shall be the responsibility of the applicant to relocate any above-ground or below-ground utilities which conflict with the project associated street or utility improvements.
  5. More design and transportation review needs to be done regarding the loading bay area in the alley. City Sta is working with the applicant to develop a loading bay design that does not block the alley and provides adequate sight distance when exiting the parking garage.

HECTOR'S ADDITION  
WOOD COLOR AT  
FLOORS 3&4, SOUTH  
END

HECTOR'S EXISTING  
AND NEW PLASTER  
COLOR AT FLOORS  
3&4, NORTH END  
AND ALLEY

HECTOR'S ADDITION  
ROOF TOP PAVERS

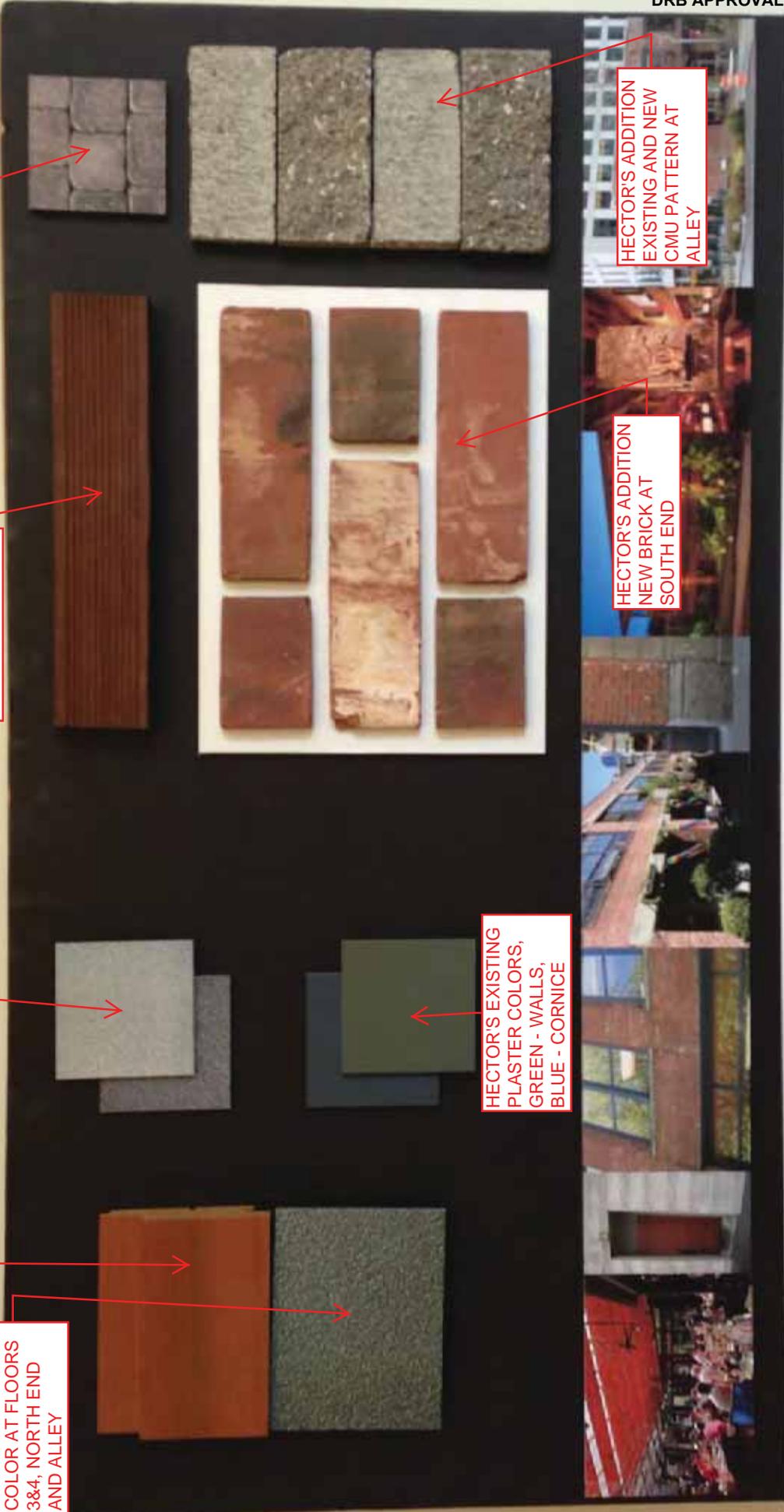
COURTYARD  
SURFACE ACCENT  
WOOD (COLOR NOT  
TEXTURE)

COURTYARD  
SURFACE 8"X8"  
ACCENT PAVERS

HECTOR'S EXISTING  
PLASTER COLORS,  
GREEN - WALLS,  
BLUE - CORNICE

HECTOR'S ADDITION  
NEW BRICK AT  
SOUTH END

HECTOR'S ADDITION  
EXISTING AND NEW  
CMU PATTERN AT  
ALLEY



Hector's Property Expansion

LAKE STREET PLACE

MSB & KWM ADDITION NEW ARCHITECTURAL STEEL, WINDOW MULLION & FLASHING COLOR

KWM ADDITION EXISTING AND NEW PLASTER COLOR

KWM ADDITION ROOF TOP PAVERS

NOT USED

NOT USED

MSB WINDOW MULLION & FLASHING COLOR

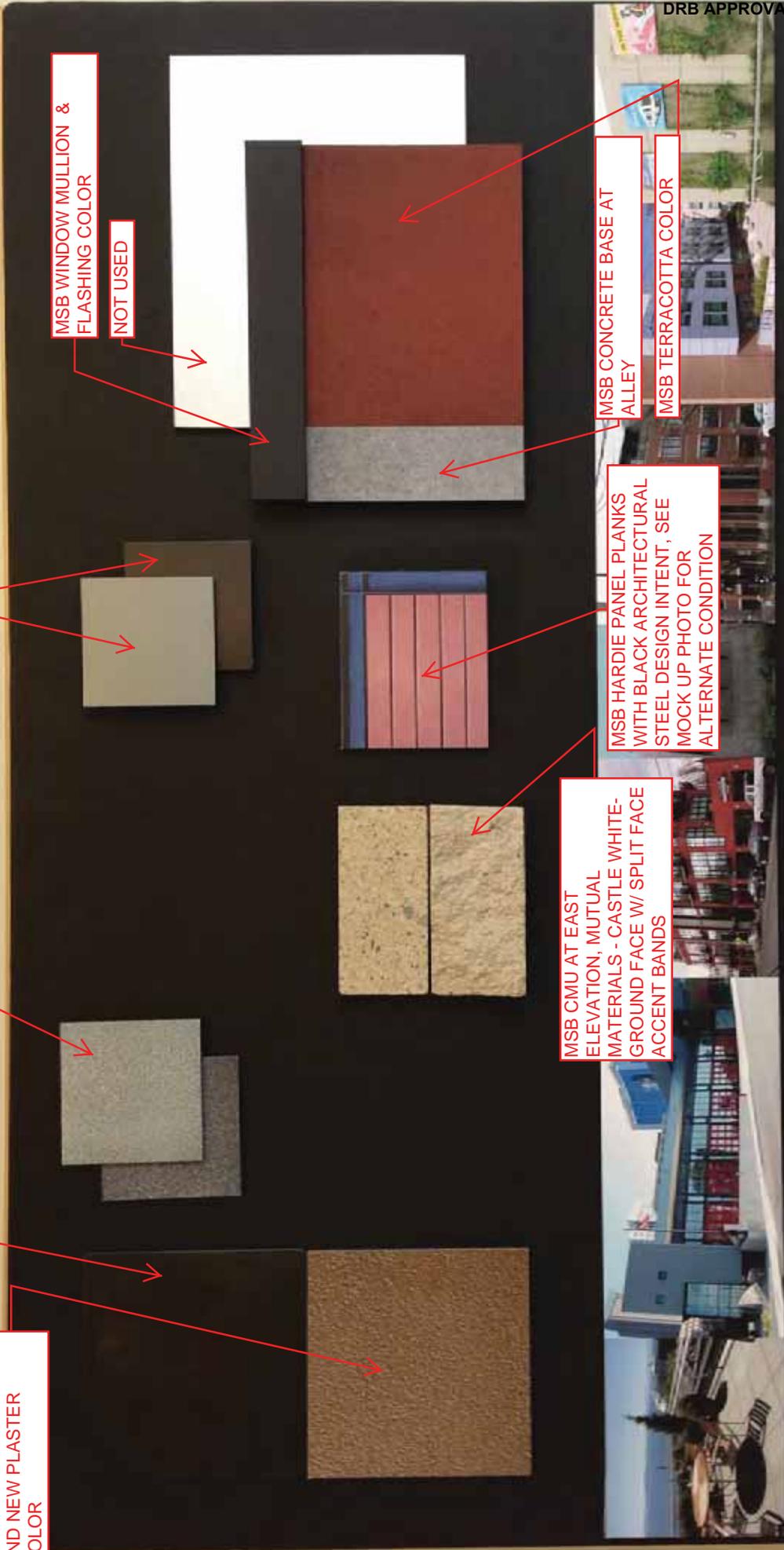
NOT USED

MSB CONCRETE BASE AT ALLEY

MSB TERRACOTTA COLOR

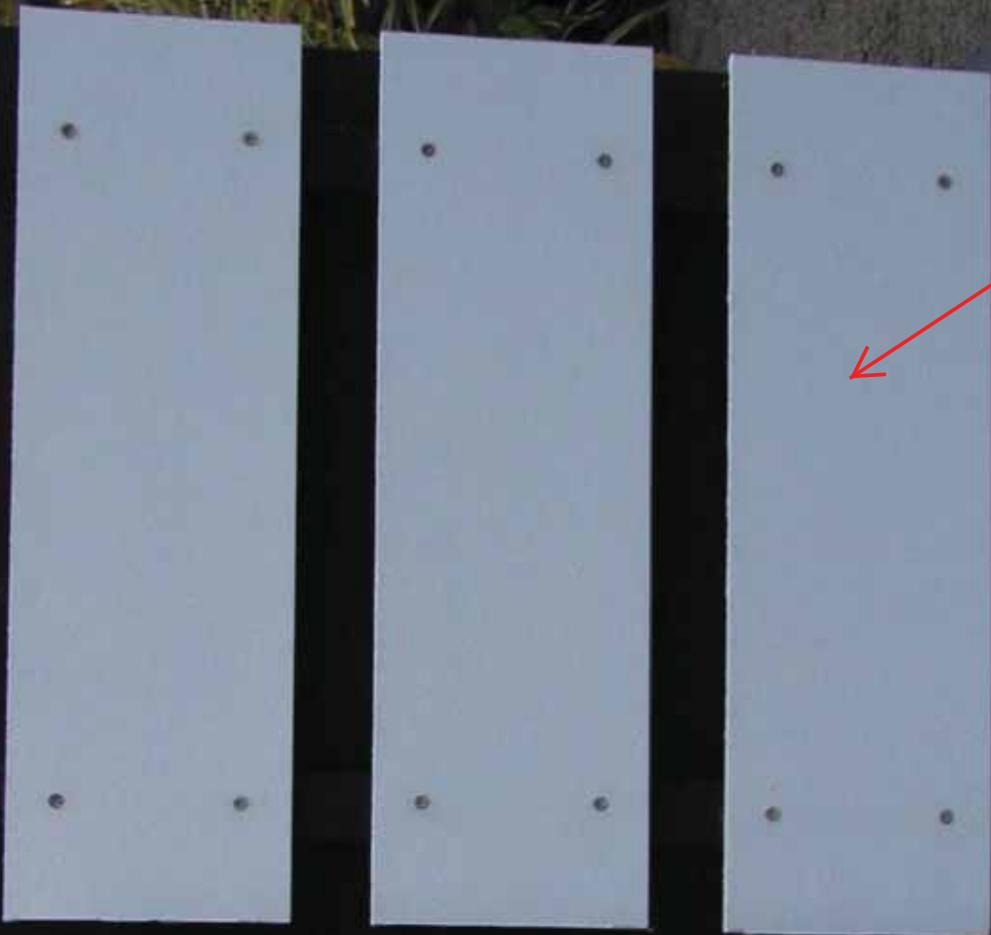
MSB HARDIE PANEL PLANKS WITH BLACK ARCHITECTURAL STEEL DESIGN INTENT, SEE MOCK UP PHOTO FOR ALTERNATE CONDITION

MSB CMU AT EAST ELEVATION, MUTUAL MATERIALS - CASTLE WHITE-GROUND FACE W/ SPLIT FACE ACCENT BANDS



LAKE STREET PLACE

Kirkland Waterfront Market / Main Street Building



MSB HARDIE PANEL PLANK  
RAINSCREEN PAINTED LIGHT GRAY  
WITH GAPS PAINTED BLACK



MSB CMU AT EAST ELEVATION,  
MUTUAL MATERIALS - CASTLE  
WHITE-GROUND FACE W/ SPLIT  
FACE ACCENT BANDS

**WAC 197-11-960 Environmental checklist.**

ENVIRONMENTAL CHECKLIST

*Purpose of checklist:*

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

*Instructions for applicants:*

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

*Use of checklist for nonproject proposals:*

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:

Lake Street Place

2. Name of applicant:

Rick Chesmore

Chesmore | Buck Architecture

3. Address and phone number of applicant and contact person:

27 100<sup>th</sup> Ave NE, Suite 100

Bellevue, WA 98004

425.679.0907

4. Date checklist prepared:

April 2013

5. Agency requesting checklist:

City of Kirkland

6. Proposed timing or schedule (including phasing, if applicable):

The proposed Lake Street Place development will occur in two Phases. Phase I will be started as soon as possible, subject to City of Kirkland permitting processes, and should start Fall of 2013. Phase II will be constructed as soon as possible after Phase I, subject to securing financing with pre-leasing and City of Kirkland permitting processes.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.  
No
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.  
A Geotech report, Traffic Concurrency review, a Traffic Impact Analysis and an Acoustical study have been or will be prepared for this proposal.
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.  
No
10. List any government approvals or permits that will be needed for your proposal, if known.  
City of Kirkland Design Review Board approval, City of Kirkland Concurrency Review, SEPA and City of Kirkland building permits.
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The nature of the Lake Street Place project is threefold: add office area to the existing Kirkland Waterfront Market building (Phase I), remodel and expand the existing Hector's restaurant building and construct a new parking garage with integrated retail and office uses (Phase II).

Lot A: 150 Lake St S. (Phase I)

The Kirkland Waterfront Market (KWM) building is proposed to add two new floors above the northern portion of the existing building and a 20ft wide 4 story addition to the north side of the existing building. This new space will provide an additional 950 sf of restaurant space at the first level and an additional approx. 13,400 sf of office space above the first and second floor levels.

Lot B: 112 Lake St S. (Phase II)

The Hector's building is proposed to expand and provide approx. 6,950 sf of new restaurant space on the first floor, approx. 8,150 sf of new office space on the 2nd floor, and approx. 8,150 sf of new office space on each of the 3rd and 4th floors. We propose to keep the original portion of the Hector's building and a modified portion of the previously approved two story street façade along Lake Street from our DRB approval in 2009.

Lot C: 115 Main St. (Phase II)

The new Main Street Building (MSB) is proposed to be built over the existing parking lot behind the expanded Hector's building and Kirkland Waterfront Market buildings. It is proposed to provide approx. 15,401 sf of retail, and/or office space on the first floor, provide approx. 252 parking stalls on 4 tiers of above grade parking and be topped by approx. 18,000 sf of office space. This building will provide parking required for all three lots and buildings. In addition, a pedestrian retail/restaurant experience will be created in a courtyard between the expanded Hector's building and KWM leading to the retail spaces and elevator lobby of the Main Street building.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

112 Lake Street S, 150 Lake Street S & 115 Main St

NW 08-25-05

City of Kirkland, County of King, State of Washington

See attached legal descriptions

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

**B. ENVIRONMENTAL ELEMENTS**

**1. Earth**

- a. General description of the site (circle one) (Flat, rolling, hilly, steep slopes, mountainous, other . . . . .)
- b. What is the steepest slope on the site (approximate percent slope)?  
Approx. 4% (slight slope from east to west)
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.  
Alderwood - gravelly sandy loam  
Clay
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.  
No
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.  
The existing parking lot will be cleared and graded to remove approx. 5ft of soil at the east edge of the site, reducing to no grading at the west edge of the site. This clearing and grading will result in approx. 5,447 cubic yards of excavation. No fill is required.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.  
The site is generally flat and surrounded by development and hardscape so no erosion should occur. Also, Temporary Erosion & Sediment control measures will be used during construction.
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?  
Approx. 99%
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:  
Temporary Erosion & Sediment control measures will be used during construction.

**2. Air**

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.  
There may be some dust during construction (during grading & excavation). Construction equipment will emit exhaust (temporarily). Automobile exhaust will be discharged from the MSB parking garage near the roof by a mechanical ventilation system. Grease hood exhaust will be discharged from any restaurant uses on site; currently 3 sources exist (1 at Hector's & 2 at KWM) and 2 more planned (1 additional at Hector's & 1 at MSB).
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.  
There is automobile exhaust discharge from Lake Street S, Main St, the alley and the drop off area at the neighboring Merrill Gardens 201 building on Main St. There is also a parking garage ventilation discharge from BofA/101 located across the alley and one to the east from the Portsmouth Condominiums. There are numerous gas fireplace discharges from neighboring residential units on the east & south sides.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Automobile exhaust from the parking garage will be discharged as high as possible and not at grade level. Required building exhausts will be located away from property lines as required by code. Restaurant exhausts are oriented to adjacent street sides of the property and discharge vertically and not towards adjacent properties. Building entries and mechanical system intakes are generally located away from off-site sources of emissions as well.

3. **Water**

a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Lake Washington is nearby

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

No, Lake Washington in approx. 250'-300' away

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No

b. Ground:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

No

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Storm water will be collected from roofs and discharged to the municipal storm water system. Storm water from the hardscaped plaza/courtyard area will either be collected by drainage basins or run to the street curb and gutter where it will enter drainage basins, both of which are/will be connected to the municipal storm water system.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

No, there are no anticipated sources of waste located on the roofs or in the hardscaped areas.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

Phase I has approx. 1,000sf of planter area on the roof and Phase II has an additional 2,235sf of planter area on the roof that will help reduce and/or slow runoff. Otherwise the entire site is impervious area so all surface and runoff water will be handled by engineered storm water systems.

4. **Plants**

a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other  
 evergreen tree: fir, cedar, pine, other  
 shrubs  
 grass  
 pasture  
 crop or grain  
 wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other  
 water plants: water lily, eelgrass, milfoil, other  
 other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Existing parking lot landscaping will be removed and consists of:

- (9) non-significant deciduous trees  
Approx (30) decorative native grass plants  
& Decorative plants in planters will be displaced or moved

c. List threatened or endangered species known to be on or near the site.

None known

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Areas of native plants are proposed on the rooftop and rooftop edible gardens are proposed to supply restaurants with greens & herbs. Planters of various sizes will be located throughout the finished project containing a wide variety of native and decorative plants.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

**5. Animals**

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other: Seagulls  
mammals: deer, bear, elk, beaver, other: None  
fish: bass, salmon, trout, herring, shellfish, other: None

b. List any threatened or endangered species known to be on or near the site.

None known

c. Is the site part of a migration route? If so, explain.

No

d. Proposed measures to preserve or enhance wildlife, if any:

None

**6. Energy and natural resources**

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs?

Describe whether it will be used for heating, manufacturing, etc.

Electricity will be used for lighting, some heating, hot water, vertical conveyance and operating mechanical systems. Natural gas will be used for some heating and cooking in the restaurants.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

High-efficiency Mitsubishi City Multi VRS mechanical systems will be used in all office areas. Light colored roofing will reflect radiant heat, reducing heating loads and need for cooling. Water efficient drought tolerant landscaping will be used in many areas.

**7. Environmental health**

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

No

1) Describe special emergency services that might be required.

Typical emergency services (police, fire, medical) may be required.

2) Proposed measures to reduce or control environmental health hazards, if any:

None

**b. Noise**

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Traffic on Lake St S.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Construction noise is anticipated on a short-term basis. Long-term noises include: increased traffic using the parking garage entry/exit off the alley (more intense during morning and evening rush hours); mechanical system operations including: parking garage ventilation (primarily during business hours), restaurant hood exhaust (from morning to 10pm) and air conditioning equipment (primarily during business hours); increased seasonal (less than 6 months/year) restaurant patio seating areas along Lake St S (used from mid-afternoon to 10pm). Also, similar patio seating noise may be associated with seasonal roof top patio usage.

- 3) Proposed measures to reduce or control noise impacts, if any:

Traffic noise will mainly occur during business hours with peaks during rush hours in the morning and evening and is not anticipated be an impact after 10pm. The above ground parking garage is fully enclosed to minimize noise (and other factors associated with cars) affecting neighboring residential uses. Mechanical system components that generate noise will be located away from property lines and screened where required and will mainly operate during business hours and will comply with City and/or State noise ordinances. Seasonal noises associated with street side and roof top patio areas will also comply with City noise ordinances. See attached Acoustic Study.

## 8. Land and shoreline use

- a. What is the current use of the site and adjacent properties?  
Retail, restaurant, office and surface parking.

- b. Has the site been used for agriculture? If so, describe.  
No

- c. Describe any structures on the site.  
Structures located on site include:  
Hector's building – 2 story masonry building built in the early 1900's with a 1-story addition built later  
Kirkland Waterfront Market – 2 story brick clad steel structure built in 1987 and remodeled in 2010  
Surface parking lot – built with Kirkland Waterfront market and reconfigured in 2010.

- d. Will any structures be demolished? If so, what?  
The addition portion to the early 1900's Hector's building will be demolished to make room for the new Hector's building addition. The parking lot will be demolished for the new Main Street Building.

- e. What is the current zoning classification of the site?  
City of Kirkland: CBD-1B (Central Business District)

- f. What is the current comprehensive plan designation of the site?  
Commercial

- g. If applicable, what is the current shoreline master program designation of the site?  
None

- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.  
No

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

- i. Approximately how many people would reside or work in the completed project?  
The completed project will provide work space for approx. 625 persons (adding approx. 400 persons to the existing project site).
- j. Approximately how many people would the completed project displace?  
Zero
- k. Proposed measures to avoid or reduce displacement impacts, if any:  
None
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:  
All uses are allowed outright by the Land Use Code and the project has been reviewed and approved by the Design Review Board.

## 9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.  
None
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.  
Zero
- c. Proposed measures to reduce or control housing impacts, if any:  
None

## 10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?  
The tallest height occurs on the Main Street Building and is 59ft (55ft height limit + 4ft allowable roof top appurtenance) above grade measured at the mid-point of the building frontage (per Kirkland Zoning code). Since there are three buildings in the development each articulated in 2 or 3 ways there are numerous exterior building materials proposed which include: brick, exterior plaster, CMU block, wood siding, painted paneling, and steel & glass windows systems.
- b. What views in the immediate vicinity would be altered or obstructed?  
The Phase 1 Portsmouth condo building located to the southeast has a view covenant protecting their west views but will lose 2 or 3 of 5 floors of views to the north towards downtown Kirkland. The Phase 2 Portsmouth condo building located to the east will lose 3 of 5 floors of views to the west towards Lake Washington and the Olympic Mountains. Merrill Gardens 201 apartments across Main St. to the east will lose their remaining views to the west. BofA/101 apartments located to the north across the alley will lose their views to the south.
- c. Proposed measures to reduce or control aesthetic impacts, if any:  
The project was reviewed and approved by the Design Review Board during a 17 month review process. The DRB reviewed project height, massing, materials and overall aesthetics. During this process significant improvements were made to the facades facing the adjacent residential uses that will be losing their views in addition to removing a roof top parking area and stepping the top floor back 10ft & 20ft and incorporating upper story balcony areas. The building has also been stepped back from the street as required by code to preserve Lake Street's 2-story character. Significant effort has also been made to articulate vertical walls and reduce the impact of office windows looking out to adjacent residential uses.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

### 11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?  
The proposal is partially shaded by taller adjacent buildings on the east and south sides, so should not produce glare on these sides. On the west side, some glare may be created by west facing glazing from the late afternoon setting sun. This reflected light may be cast upon the neighboring properties to the west across Lake Street S. Also, exterior building lighting will mainly be by down lights at pedestrian level and balcony and patio spaces and the light should not leave the property.
- b. Could light or glare from the finished project be a safety hazard or interfere with views?  
Any glare on the west side of the building will be cast perpendicular to Lake Street S, so should not create a safety hazard to motorist on Lake Street S. Also, lighting levels are intended for pedestrian uses and should not be bright enough to cause safety hazards or interfere with views.
- c. What existing off-site sources of light or glare may affect your proposal?  
The neighboring condo building to the east (Phase I Portsmouth) is taller than the proposed building and may cast glare created from west facing glazing by the late afternoon sun upon the proposed building.
- d. Proposed measures to reduce or control light and glare impacts, if any:  
The proposal is heavily articulated on the west façade with deep set windows, deep overhangs, balconies, exterior solar control devices and the upper stories are set back from the street which all will help reduce the amount of glare that leaves the property. Exterior building lights will be located so that artificial light does not cast onto neighboring properties. Also, indoor solar control shades will protect occupants from glare from neighboring buildings as well.

### 12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?  
Walking, running, biking, sailing, swimming and shopping are all recreational activities that take place in the immediate vicinity.
- b. Would the proposed project displace any existing recreational uses? If so, describe.  
No
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:  
None, the proposed project hopes to take advantage of recreationalists and provide them with a destination to meet before, during or after their recreational activities.

### 13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.  
No
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.  
None
- c. Proposed measures to reduce or control impacts, if any:  
None

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

#### 14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.  
The site is served by Lake Street South and Main Street via the service alley on the north side of the property. The proposed parking garage entry is located off the alley approx. halfway between Lake Street S and Main St. See attached site plan.
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?  
Yes, the Kirkland Transit Center is located just 2 blocks away.
- c. How many parking spaces would the completed project have? How many would the project eliminate?  
An existing surface lot with 85 stalls will be demolished and 252 stalls will be provided in the proposed enclosed parking garage. One new parallel parking stall will be constructed on Lake St S. and 4 pull in stalls will be eliminated at the Main St turnaround to open up retail frontage to the street.
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).  
No new street or road improvements are planned, however frontage improvements are planned at adjacent streets.
- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.  
No
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.  
See attached Traffic Impact Analysis.
- g. Proposed measures to reduce or control transportation impacts, if any:  
See attached Traffic Impact Analysis.

#### 15. Public services

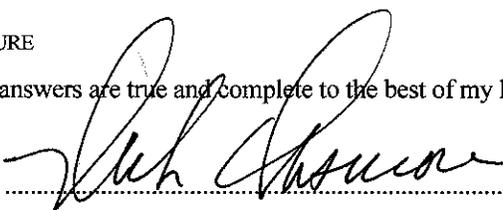
- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.  
The proposed project is larger than the existing buildings so may require more fire protection services and more police services. The proposed project is a commercial project, so no foreseen impact on schools or health care.
- b. Proposed measures to reduce or control direct impacts on public services, if any.  
All buildings will be protected with fire sprinklers and fire alarm systems which may reduce fire protection service impacts.

#### 16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.  
All available utilities will be utilized by the proposed project.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:  .....

Date Submitted: 6-07-13 .....

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposal is unlikely to increase discharge to water because there will not be a significant change to the impervious area and there is not any erosion or any hazardous uses on site. There will be some increase in emissions to the air due to extra car trips generated by the increase in building area (see attached Traffic Impact Analysis). There should not be any production, storage or release of hazardous substances. There will be slightly more noise produced on site due to additional required mechanical units.

Proposed measures to avoid or reduce such increases are:

None

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal will provide more planter area and have more plant life than currently exists on site. Animals, fish and marine life should not be impacted by the proposal.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Existing plants may be relocated on site. Animals, fish and marine life should not be impacted by the proposal.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal expands the current building(s) and creates a new parking garage all of which will require additional mechanical systems, light fixtures and plumbing fixtures which will result in an increase of energy use.

Proposed measures to protect or conserve energy and natural resources are:

The proposed mechanical system will be a high efficiency Mitsubishi City Multi VRF system capable of heating and cooling at the same time on-demand. Lighting will comply with the Washington State Energy code and include high efficiency lamps and occupancy sensors to reduce energy usage. The majority of plumbing fixtures will be low flow fixtures to reduce water use. Also, low-e glazing will reduce solar heat gain reducing demand on the mechanical system.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposal will not affect any of the listed areas because there are none in the immediate vicinity.

Proposed measures to protect such resources or to avoid or reduce impacts are:

None

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal is not likely to affect existing land and shoreline uses.

Proposed measures to avoid or reduce shoreline and land use impacts are:

None

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal will provide more Office, Retail and Restaurant space which will cater to more tenants and patrons, therefore there will be more vehicle trips generated which will increase demands on transportation (see attached Traffic Impact Analysis). The impact on public services and utilities is minimal as the site is currently serviced by all required public services and utilities.

Proposed measures to reduce or respond to such demand(s) are:

See attached Traffic Impact Analysis

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

None

## Jon Regala

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**From:** Vera F <srt1404@yahoo.com>  
**Sent:** Friday, July 12, 2013 5:19 PM  
**To:** Jon Regala  
**Subject:** Lake Street Place - File No. SEP13-00959

To All Parties Involved with Lake Street Place - File No. 13-00959:

The charm and value of communities like Kirkland as it exists today is made possible by prudent decision making in regards to it's residents, small businesses and the environment. Without that continued balance, Kirkland will become just another overcrowded, overbuilt suburb; precisely what its residents and day trippers come here to get away from.

The above mentioned project would add to our already abundant vacancies and undue stress to local infrastructure. Seasonal events while enjoyable, also serves to reminds us of what the impact would be should approvals be given to increase height and density limits in our downtown corridor.

We welcome everyone and all businesses in Kirkland, but not at the expense of our quality of life and the peril to traffic and pedestrian safety. By virtue of its location, SEP 13-00959 brings more negatives than value to the neighborhood; more crowds, more cars and more noise.

For those reasons, we are opposed to increasing variances for SEP 13-00959.

Respectfully -

Bob and Vera Fahl  
703 4th Ave #204  
Kirkland, WA 98033

[srt1404@yahoo.com](mailto:srt1404@yahoo.com)

Jon Regala Senior Planner  
Kirkland Planning Department

123 5th Ave

Kirkland WA 98033

REPARTMENTS  
D

JUL 29 2013

AM  
PLANNING DEPARTMENT PM

A

Agnes Anstett  
201 Kirkland Ave, Unit 212  
Kirkland, WA 98033-9034

As I start out the  
Merrill gardens door, the  
small driveway is already  
cluttered. There is a huge  
truck moving someone in.  
In front of it is our bus  
taking residents to doctor  
appointments. They are both  
in stopped positions so I can  
walk carefully across the  
small driveway.

Several steps out, I hear  
the fire trucks coming,  
siren's roaring. Probably  
some one has fallen again.  
I go back into our  
building quickly. No walk  
right now.

I sit in the lobby  
and worry about what  
problems lie ahead when  
the proposed six story  
building goes ~~to~~<sup>in</sup> across our  
driveway. There will be  
280 added cars in and out  
of our driveway daily besides  
the trucks, mail deliveries  
residents being dropped off -  
also, the car fumes will be  
hazardous to residents.

Will I never be able  
to safely take my early  
walk again?

Hurkland, what are  
you thinking?

Agnes Anstett

A

Agnes Anstett  
201 Kirkland Ave. Unit 212  
Kirkland, WA 98033-9034

**Jon Regala**

---

**From:** daledvorak@juno.com  
**Sent:** Saturday, August 03, 2013 4:16 PM  
**To:** Jon Regala  
**Cc:** kirklandneighborsunited@gmail.com  
**Subject:** Lake Street Place - File No. SEP13-00959

Dear Sir:

As a resident of both Kirkland and Portsmith, I have a vested interest in assuring that the community I live in is not adversely affected by any project that could be detrimental regarding traffic, safety, parking, noise, pollution, and the overall environment. The proposed Lake Street Project should not be given an OK to proceed until a full Environmental Impact Statement is completed for a project of this size and scope.

Sincerely,

Dale Dvorak  
109 2nd St. S. #538  
Kirkland, WA 98033  
[daledvorak@juno.com](mailto:daledvorak@juno.com)

## Jon Regala

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**From:** nicriro2@comcast.net  
**Sent:** Monday, August 05, 2013 3:51 PM  
**To:** Jon Regala  
**Cc:** nicriro2@Comcast.net  
**Subject:** Lake Street Place - Ref File # SEP13-00959

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

This is to urge you not to allow the construction of the Lake Street development. We are long-time residents of Kirkland who, after several periods of having to live elsewhere, have returned to retire in and enjoy the pleasant companionable atmosphere of Kirkland. Some years ago we participated in the successful opposition to the proposed construction development of the West end of Park Lane. We now feel the same about the current plan to build along Lake Street. Kirkland's charm depends very much on its open spaces and if you allow the Lake Street development to be constructed you will damage the appeal that Kirkland still offers to its residents and visitors:

Thank you,  
Rita and Ross Nicoll, e-mail [nicriro2@comcast.net](mailto:nicriro2@comcast.net), phone 425 285 9820

## ARAMBURU & EUSTIS, LLP

Attorneys at Law

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J. Richard Aramburu  
rick@aramburu-eustis.com  
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720 Third Avenue, Suite 2000  
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Fax 206.682.1376  
www.aramburu-eustis.com

August 12, 2013

Jon Regala  
Senior Planner  
Kirkland Planning Department  
123 5<sup>th</sup> Avenue  
Kirkland Washington 98033

jregala@kirklandwa.gov

Lake Street Mixed Use Development: Comments on SEP13-00959

Dear Jon:

This office represents Kirkland Neighbors United, which was organized and exists to preserve and protect residential values in the City of Kirkland. I am writing today in response to the SEPA Early Comment Period Announcement for the Lake Street Mixed Use Development (LSMUD).

As we understand it, the “early comment period” is being provided as preliminary to the actual SEPA threshold determination. There is no provision for such review found in the SEPA Rules. The website for the project indicates that after comments are received for the “early public comment” period, the City will engage in SEPA Review and will issue a “SEPA decision.” Following that “decision” there will be a “14-day public comment and appeal period following [the] issuance of [the] SEPA decision.” The usual “Optional DNS Process” under WAC 197-11-355 provides for comments, which indicate that the lead agency is considering the issuance of a DNS.

In the present case, it is clear that determination of significance and an environmental impact statement (EIS) must be prepared for the LSMUD. The project is of a sufficient size and scope that its development and construction will significantly affect the quality of the environment under WAC 197-11-330. Regrettably, the only actual analysis of environmental impacts prepared for this project, other than brief comments in the environmental checklist, is a traffic report.

In determining whether an environmental impact statement will be required, the responsible official must consider several factors. As will be noted below, the “absolute

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quantitative effects” of this project are important. WAC 197-11-330(3)(b). However, the location of this proposal is also of critical importance. WAC 197-11-330(3)(a) states:

The same proposal may have a significant adverse impact in one location but not in another location.

The LSMUD is located in the center of Kirkland, a very congested area for vehicles, pedestrians and buildings. The only two streets that provide access to the site of the LSMUD, Lake Street and Kirkland Avenue, are extremely congested for several hours each day. Indeed, the congestion problems on both Lake Street and Lake Washington Boulevard are legendary, at least in part because these streets are also used by commuters as well as traffic with local destinations. The location of the LSMUD is also immediately adjacent to other residential and commercial uses which will be severely impacted. The context and location of this project is very important.

Finally, WAC 197-11-330(3)(c) states that:

Several marginal impacts when considered together may result in a significant adverse impact.

While the quantitative impacts are significant, the cumulative impact of multiple environmental impacts also demonstrates the need for an environmental impact statement.

#### TRAFFIC CONGESTION AND HAZARDS.

As noted above, the LSMUD is proposed in an area with substantial vehicular congestion due to existing local and commuter uses. The nearest intersections, according to the traffic reports, are classified with very poor levels of service, including an “F” classification for Lake Street and Kirkland Avenue. The congestion on Lake Street is partially due to the backup from the light at Central and Lake. The LSMUD will add significant vehicular trips to this already congested area.

An additional issue is that the only access from the site to Kirkland’s arterial streets is through a narrow alley to either Lake Street (an entry allowing right in, right out access only) or to the dead end at Main Street. This narrow alley also serves as the sole entrance to the parking garage for the 101 Kirkland building. Amazingly, the alley is so narrow at 17 feet that there is insufficient room available for vehicles to pass each other during turning movements, as demonstrated in the Traffic Report. City criteria state that alleys serving Multi-family and non-residential uses shall be a minimum of 20-24 feet in width according to the standards adopted by the City. The LSMUD clearly violates this standard.

In addition, Kirkland Department of Public Works (DPW) standards indicate that an

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alley may not be the sole access to a property:

DEPARTMENT OF PUBLIC WORKS  
PRE-APPROVED PLANS POLICY  
Policy R-4: Driveway Policy  
II. DRIVEWAY DESIGN, CONSTRUCTION, MAINTENANCE AND  
OPERATION

....

2. Access from Alleys

In order for a property to have access from an alley, it must have frontage on another public street, i.e., an alley cannot serve as the sole access (vehicular and pedestrian) to a property.

In this case, all traffic to the project will exit the proposed parking garage on the existing substandard alley. These serious traffic impacts require mitigation, including limitation of uses on site and restructuring of the alley.

PEDESTRIAN USE, CONFLICTS AND HAZARDS.

The only vehicular access to and from the Lake Street parking garage will be along a narrow, substandard alley between the LSMUD and the 101 Kirkland Avenue Building. Given the use of this alley by the public, there are likely to be significant conflicts between vehicles accessing the 101 Kirkland building, the LSMUD and pedestrians using the alley. This issue is exacerbated by the substandard nature of the alley, with only 17 feet of paved surface available for travel. As described above, this width is insufficient for turning vehicles and accordingly presents serious safety issues for pedestrians using this public way.

PARKING.

The availability of automobile parking in the vicinity of the LSMUD project is very limited. Street parking is at a premium and the surface parking lot on the site is often fully utilized.

The subject proposal does not provide sufficient parking to meet City of Kirkland code requirements or actual on-site requirements. Parking must be provided to meet both new site uses and existing uses, including those at the Kirkland Waterfront Market.

AIR QUALITY.

The project will result in the deterioration of air quality in the City and in the immediate area due to increased traffic and worsening congestion. In addition, there will be exhaust from the building garage and existing and proposed restaurants which will

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impact surrounding uses. The applicant should be required to prepare studies concerning air quality.

#### AESTHETICS.

The project will significantly impact views from surrounding residential uses, including those from the Portsmouth Condominiums, the 101 Kirkland Avenue Apartments, the Merrill Gardens Apartments and the public walkway. No mitigation is provided for these view impairments.

#### NOISE.

Noise will increase from vehicular traffic on adjacent streets and from traffic congestion. Noise will also increase due to additional ventilation and mechanical equipment placed on roofs near adjacent residential and commercial properties. No analysis of noise impacts has been prepared by the applicant.

Comments provided by other persons and agencies are incorporated by reference.

Thank you for the opportunity to comment on this proposal. Please make me a party of record and provide me with any additional SEPA documents prepared for the project.

Sincerely yours,

ARAMBURU & EUSTIS, LLP



J. Richard Aramburu

JRA:cc

cc: Kirkland Neighbors United

## Jon Regala

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**From:** Barbara Christofferson <Barbara.Christofferson@kellyservices.com>  
**Sent:** Monday, August 12, 2013 3:49 PM  
**To:** Jon Regala  
**Subject:** Lake Street Place - File NO Sept13-00959

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Jon,

I am writing this email for my mother, Jeanne Schmidt, who lives in Merrill Gardens-Kirkland. This project will make it extremely difficult for her to go outside of the building due to safety issues with the increased traffic. We already have an issue with family visitors trying to find adequate parking to visit our elderly parents.

In addition, the noise, pollution and view obstruction will effect her quality of life at her chosen residence.

The City of Kirkland has always been a unique quaint community and has always attracted people outside of the city to spend money at the local businesses. This project will change the dynamics of the town and will in turn do more damage economically than what will be gained by adding another building.

Please consider the full impact of what this project will do to Kirkland.

Regards,

Barb

**Barb Christofferson | Project Manager**  
**Global Implementation Services**  
Cell: 206-390-4421  
[Barbara.christofferson@kellyservices.com](mailto:Barbara.christofferson@kellyservices.com)

## Jon Regala

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**From:** Cathy Betz <CathyBetz@comcast.net>  
**Sent:** Monday, August 12, 2013 7:22 AM  
**To:** Jon Regala  
**Cc:** cathybetz@comcast.net; Bob  
**Subject:** Lake Street Place - File No. SEP13-00959

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Jon,

The following are our concerns to be addressed by the SEPA review of the Lake Street Place project:

We live in the Portsmouth Condominiums and the Lake Street Place projects bounds us on two sides, our west and north. The proposed project does not block our lake view, but does provoke serious environmental concerns dealing with air quality, noise pollution, and pedestrian safety.

### **Air Quality/No additional ventilation output directly adjacent to Portsmouth Residences**

We live directly above two current restaurants that vent their grease exhaust from below and in front of our unit and six others. We urge the review board to not allow further venting of any future development, restaurant or otherwise, so close to adjacent neighbors (i.e. Portsmouth residents) but to be located as far as possible away from these residences and closer to the north extremity of the proposed building (if done as Phase 1) or in the middle of the project (if done as a total). Our concern about restaurant emissions is particularly vital given the developer's stated intent to enlarge *Hectors* and presumably to enlarge the *Milagro* area possibly even to the proposed third floor area. The latest and best technology for mitigating restaurant exhaust emissions should be required.

### **Noise Quality/During and After construction**

The Lake Street Project has chosen to build right up to their common lot lines with the Portsmouth. (Similar setbacks as those used by the Portsmouth were suggested by Portsmouth residents but the Lake Street Project developer was able to take advantage of different zoning standards than the Portsmouth's). Because of this extreme proximity we urge the SEPA guidelines to include vigorous noise restrictions. During construction, which could last years, quiet hours from 6pm to 8 am with no work on Sunday. Decibel levels should be controlled at all times (i.e. no extreme noises EVER).

Once constructed, adjacent residents must be protected from noise from the project's tenants. Restaurants should never have loud music that broadcasts outdoors, and observe quieter standards after 9 pm. Noisy deliveries and garbage pickup should not be allowed before 7:00 AM. This is not a casual request; these abrupt, crashing noises can be very unsettling. We are not Belltown; we are Kirkland and the quality of life of existing residents must be protected.

### **Pedestrian Safety/ Traffic in and out of the "Alley"**

Currently the north border of the proposed Lake Street Development is the "alley" separating it from the Bank of America building. This alley already creates an unsafe situation for pedestrians along Lake Street. As daily runners and walkers, on many occasions we have had close encounters with cars and trucks exiting the alley and not stopping before entering the sidewalk area. This unsafe situation will only worsen with the hundreds

of additional cars exiting the proposed development through this alley, and by frequent delivery and trash vehicles. By the developer considering this street an alley, standard street requirements were not met, and a narrow, unsafe pathway will result. This entry/exit should be treated as the major street that it will become and subject to the same safety codes, dimensions and requirements as any busy pedestrian-impacting street; lighting, sidewalks, signage and pedestrian safety and all available safety enhancements must be required. The City of Kirkland should prepare itself for law suits from pedestrians should this alley be allowed as proposed. We find it amazingly short-sided that the City of Kirkland would even consider allowing this alley be used for this volume of traffic, with all of the pedestrian signage, flags and pedestrian precautions that exist elsewhere in the city.

We believe this proposed development presents the first time that Kirkland has had to address the situation of a large scale commercial project directly adjacent to and surrounded by hundreds of residences. We urge the SEPA Review Committee to impose the highest standards of livability to protect the lives and living environment of its citizens.

Respectfully,

Cathy and Bob Betz  
108 2<sup>nd</sup> Avenue South  
Kirkland, WA 98033

Jon Regala  
Senior Planner  
Kirkland Planning Department  
123 5<sup>th</sup> Avenue  
Kirkland Washington 98033  
[jregala@kirklandwa.gov](mailto:jregala@kirklandwa.gov)

#### Lake Street Mixed Use Project: Comments on SEP13-00959

We find it completely unacceptable that the City of Kirkland has not insisted on an Environmental Impact Statement for this project for the following reasons:

##### Traffic

This project will add more cars to an already unmanageable traffic problem. It is crucial that we have the traffic issue evaluated using current, objective traffic data. The proposed access to the project will be through an alley that is not big enough for two way traffic. Funneling traffic through this alley will only worsen our overloaded streets. The safety and walkability of downtown Kirkland will also be compromised.

##### Air Quality

The architect mentioned that the garage and restaurant exhaust will be vented on the east side towards the residences. The potential for exhaust to get "caught" in the Portsmouth Courtyard in certain weather conditions has not been explored or studied. The project is so close to adjacent buildings that there would be very little room for air to escape. Additional traffic will further degrade air quality. We have not seen an air quality study relative to this project.

##### Aesthetics/Quality of Life

Not only are the views of all the surrounding residences going to be blocked, but several units will have the sun completely blocked. The public walkway will become a dark, unsafe canyon. The City of Kirkland Comprehensive Plan suggests that solar access is important in Kirkland, but I do not see any study of how that will affect residents. The value of surrounding residences will plummet and Kirkland will become a less desirable city to live in.

##### Noise

More traffic means more noise. Ventilation and mechanical equipment mean more noise. There needs to be more research done on the effects of this noise.

##### Nature

This project is 1 block from the lake and its wildlife. No one has even mentioned the effect more traffic, bad air quality, less solar access and more noise will have on the surrounding plant and animal life. The planned landscaping along the public walkway may not survive without sunlight. The birds in the trees on the Portsmouth Courtyard will probably disappear. There has been no study as to the effects this project will have on the surrounding flora and fauna.

It is critical that a project of this size is sufficiently analyzed before approval is given. If approval is given without an appropriate evaluation, it will be too late to go back. There is only one chance to get this right so we hope the City of Kirkland insists on an Environmental Impact Statement for this project.

Thank you for considering our comments.

Sincerely,  
Sandi Hart and Stan Christie  
109 2<sup>nd</sup> St S Apt 239  
Kirkland, WA 98033

*Dr. and Mrs. Brian G. Rohrback  
109 2<sup>nd</sup> Street South, Unit 237  
Kirkland, WA 98033  
425 836-8138  
[l.b.rohrback@gmail.com](mailto:l.b.rohrback@gmail.com)  
[brian\\_rohrback@infometrix.com](mailto:brian_rohrback@infometrix.com)*

Jon Regala, Senior Planner  
Kirkland Planning Department  
123 - 5<sup>th</sup> Ave.  
Kirkland, WA 98033

August 11, 2013

Re: Lake Street Place – File No. SEP13-00959

Dear Mr. Regala,

First of all, thank you for extending the 14 day comment period for the initial stages of the SEPA review. It does take time to fully understand the impact that this innovative approach to skirting zoning regulations by coordinating three buildings that really are just one. We believe that there are traffic, safety, and environmental questions that still remain to be resolved and are tied to the bulk and scale of this proposed development. We believe that a comprehensive environmental review needs to be conducted by a respected, completely-independent organization in order to fully and impartially address our concerns. We also feel that the City has tied its own hands with measurement techniques that were not designed to address a project like this.

We find the City's approach to The Lake Street Place Proposal to be comprehensively inconsistent with the handling of Potala. In the latter, the City of Kirkland is taking the position that an oversize development fronting on Lake Street is inappropriate due to the impact on the roads and nearby residents. Somehow, the significantly-larger McLeod project is given zero responsibility for adding traffic to an already highly-congested area, while the residents are given zero consideration.

The points we make below are matters of traffic, safety, scale, and the integrated impact on the environment. In preparation for this letter, I recommend that all read the two letters written by the former head of the City of Kirkland Design Review Board, Mr. James Truhan. He writes eloquently and from a position of knowledge.

### **Building Mass**

The McLeod proposal would be the largest office, restaurant, and retail structure in the Downtown Business District, covering nearly 100 percent of the 3 lots that have been "combined" for its construction. It will be taller and wider than any building currently on Lake Street.



A building of this size and scope built on Lake Street demands a careful evaluation of the impact it will have on the surrounding properties and on the City as a whole.

### Traffic Issues

Everyone knows that traffic has worsened in the Kirkland downtown core, with Lake Street, Kirkland Avenue, Central, and Market causing the most grief for drivers, bicyclists, and pedestrians alike. New developments in Park Place, along Central, and feeding into the core from 6<sup>th</sup> Street South already project a new, but not very attractive chapter to the Kirkland crawl.

Lake Street is a well-known bottleneck as shown in the picture below.



*Figure 1: Lake Street is a significant traffic bottleneck and will get worse with the addition of office space.*

The crawl along Lake Street now occurs every day. While it causes delay in drive times through the area, it also measurably adds to the pollution level of our neighborhoods. Let's look at the situation as it stands prior to any redevelopment work on the McLeod property. Figures 1 and 2 are shots of the two streets that would be the primary feeder roads for this proposal.



*Figure 2: Westbound Kirkland Avenue traffic at the intersection with Main Street can back up to the light (beyond?).*

The Main Street stub that fronts both Merrill Gardens and The 101 apartment building is often congested as seen in Figure 3. This situation is not uncommon and will only get worse with the proposed development.



*Figure 3: Cars exiting existing parking from left, cars entering from Kirkland Ave plus delivery trucks clog Main Street now.*

We see moving vans parked here frequently and there is no other spot for them to park. We also see emergency vehicles with regularity, most often tending to residents of Merrill Gardens.



*Figure 4: The alley has to contend with emergency vehicles, movers, repair and transit uses.*

All of the traffic flowing into and out of the McLeod building will have to pass through a narrow alley that spans Lake Street and the Main Street stub, immediately North of Hector's. This pavement has already suffered through a series of compromises as there is really insufficient space to handle traffic given the existing uses and current building occupants.

The alley sports a rolled sidewalk so that vehicular traffic can share with pedestrians. This is barely manageable now and with the additional traffic tied to the McLeod development, the rolled curb is just there to show some nominal catering to the needs of the residents.

The alley also suffers from its connections to both Lake Street on the West and the Main Street stub on the East. Traffic entering and exiting on Lake is awkward; both actions cannot be accomplished simultaneously. And the bizarre concept the developer refers to as a "wave-in", where cars exiting from this alley will be waved in by the Northbound traffic on Lake Street, is a ridiculous attempt to justify the unjustifiable.



*Figure 5: The alley is narrow and even with a rolled curb does not allow vehicles to travel without concessions to pedestrian safety and to good old fashioned turn taking.*

## Parking Problems



*Figure 6: The parking lot is often full and does not support the demands of Phase I additions.*

We have waded into the parking calculations several times and the parking information provided by the City of Kirkland and the developer is far from clear. It has been made more complicated in that there have been numerous proposals for this property and the computations done in 2006 and again in 2008 are not current. The simple point is that there is not sufficient parking in the existing lot to support the Phase I development. There may be some grandfather clause that the City chooses to drag out, but the simple comparison of parking versus square footage suggests that tens or even hundreds of cars will be forced to find street parking to support the proposed use.

Adding 70,000 square feet of office and restaurant space will require **at least** 200 more parking spaces, per the City's own guidelines. My calculation is that the entire project would require 420 stalls (plus bike storage), not 60% of that figure as show in the plans. Where do these cars park?

Proximity to the transit center is not an answer.

### **Pedestrian Safety**

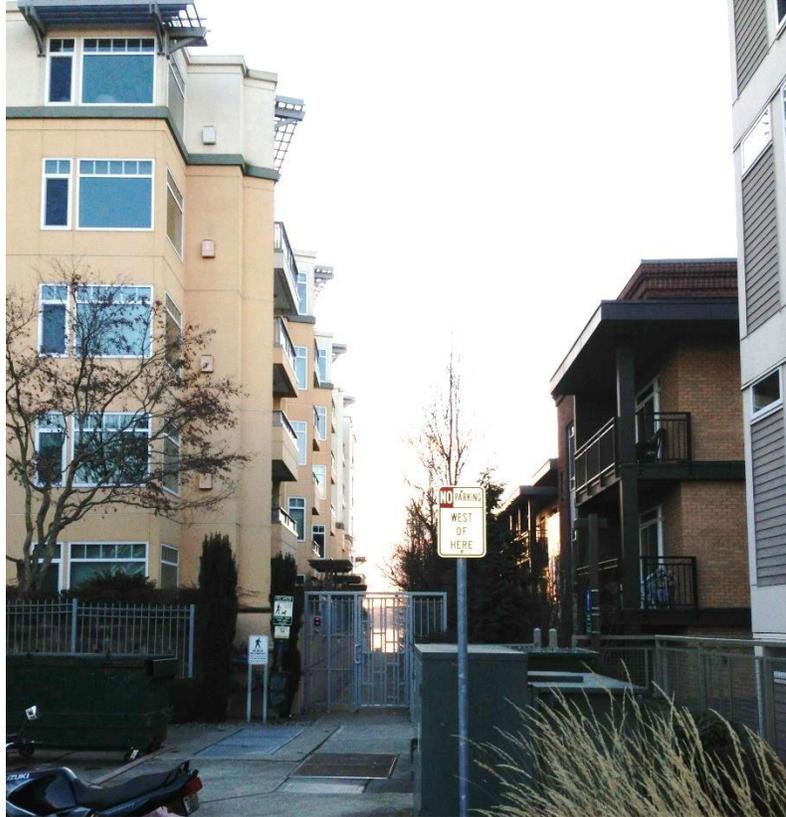
The McLeod development will cycle close to 1,000 car transits per day down Main Street, a narrow stub that was not designed for such use. This traffic will fill the space in front of the only entrance to the Merrill Gardens retirement home as well as the primary entrance for the 101 Apartments. So, what did I get to hear as the solution from the developer? - make the crosswalks more visible and ask residents to avoid walking on the alleyway! That is NOT a solution.

### **Blocking Residential and Public Walkway Views**

The McLeod proposal is extremely large and incredibly close to neighboring buildings. It will block views from residential units, from common areas of the Portsmouth Condominiums, from Merrill Gardens, and from the Bank of America 101 apartments. It also obliterates the view along the Public Walkway to the East.

Taking away views in and of itself is not necessarily reason to deny a permit, but again, the McLeod project takes the intrusion to the extreme. Figure 7 on the following page shows two pictures of the distance between Portsmouth and the Merrill Gardens building to the North. These two buildings are closer together than any two in the immediate vicinity (Kirkland Ave to 2<sup>nd</sup> Street South and Lake Street to 3<sup>rd</sup> Street). The distance varies, but at the closest, the buildings are 34.9 feet apart.

Note there is enough room to make a greenspace screening of the buildings and allows a pleasant experience on this part of the Public Walkway.



*Figure 7: The distance between Portsmouth and Merrill Gardens is twice the distance proposed between Portsmouth and McLeod.*

If the McLeod building is allowed, it will be less than half the distance from Portsmouth as is Merrill Gardens. Preliminary measurements are that the East wall of McLeod will be less than 15 feet from Portsmouth balconies and only 11 feet from the garden walls on the South side.

Figure 8 shows the space where the 55' tall East side of the structure will create a 30' tall obstruction at the fence line to the right in the picture.



*Figure 8: The distance between Portsmouth and McLeod is narrow and will create a canyon.*

We have not been able to find two buildings where residential windows are placed up against a wall, nor have we found a like situation for a moderate-traffic Public Walkway.

A similar situation exists to the South, where the still-tall wall will impinge on the patios to the right.



Please note that the drumbeat offered by the developer that they are in fact preserving residential views in the southernmost building of Portsmouth is ridiculous. Given the setbacks the City requires along Lake Street, no building would be able to be built; there is not enough depth at that narrow end of the property.

### **Noise and Air Pollution Concerns**

There is little information on the noise and air pollution concerns contained in the information we have reviewed. Much of the information is given in the form of a check-list and does not have hard data to back it up. This means it is a guess. The residents deserve better than this.

The exhaust coming from the restaurant space, the parking garage, and the offices has not been mapped or compared to temperature and wind patterns. In most buildings set back from other structures, this may not be a problem. In this case, however, the McLeod structure has a monolithic wall to the East, hundreds of feet long, looming approximately 30 feet above the public walkway, and set about 15 feet from Portsmouth balconies. This geometry creates a canyon where exhaust can settle and stagnate. The problem may well extend to the Portsmouth courtyard, which also loses its access to horizontal flow of air. Air circulation in these areas will likely be driven by temperature convection, an inefficient means of moving air.

There have been statements that exhaust will be aimed up. That is not necessarily the case. Exhaust direction is governed by the relative density of the exhaust versus the ambient air which, in turn, is dictated by chemical composition and temperature. Relatively cooler exhaust exiting into warmer air tends to sink, possibly into the Portsmouth/McLeod canyon.

A full air circulation study by an independent, competent scientific body is required.

As an additional question, we see restaurant employees smoking in the parking lot. It does not seem to be a problem as there is significant space at the present time and it is well away from the doors to their establishments. Where will they go if the McLeod project as a whole is built? Is there a designated smoking area? Will the public pedestrian canyon to the East of the project be the smokers' retreat?

### Summary

There needs to be a comprehensive environmental impact study (EIS) performed by an independent agency or contractor. This project, based on its sheer bulk and scale should require such an effort. Considering the project is positioned on Lake Street and in the Waterfront area, this work is even more necessary. The excessively-close proximity to residential units is of concern and will mandate a study of the air flow and stagnation patterns around the building. And, the exacerbation of an already-untenable traffic situation must be examined with more than a wave-in.

Thank you for your time in addressing our concerns.



Lisa and Brian Rohrback

CC: Mayor Joan McBride  
Mr. James Truhan  
Kirkland City Council

# Time to bring balance back to Kirkland's zoning process

By JAMES TRUHAN  
Kirkland Reporter Contributor

JULY 29, 2013 · UPDATED 3:03 PM

The bad news: Kirkland is a magnet for developers.

The good news: Kirkland is a magnet for developers.

It is an odd state of mind that our community finds ourselves in. As we embrace the benefits that development brings, we agonize that it threatens what many of us hold dear; Kirkland's intimately scaled, small-town vibe.

For evidence, we need look no further than the serial controversies suffered by several of our most recent redevelopment proposals: Park Place, Lake Street Market, Bank of America, Portsmouth Condos, Houghton redevelopment plan and Potala Village. Each brought unprecedented levels of building height and density. Each triggered significant levels of community backlash.

That there should be this level of controversy over redevelopment is not normal. It is indicative of a community whose expectations are fundamentally out of kilter with what the zoning code allows. This is contributing to an ongoing cycle of citizen ambivalence regarding zoning approvals and subsequent anger about ever-larger buildings that continue to be approved.

This troubles me greatly and should also trouble you, dear reader.

Our great location, diverse population and developer-friendly zoning have made us attractive to development, a fact that we ought to embrace. Unfortunately, our collective assumptions about Kirkland's built environment are far removed from the reality of what our downtown will eventually become through the current zoning.

The fact is, under current zoning policies, nearly all of our downtown's small scale buildings will be replaced by larger multi-story mixed-use buildings. Even Park Lane - that iconic Kirkland street filled with intimate boutiques and shops - will eventually be lost to redevelopment.

However, for those of us living in areas outside the downtown business district (Houghton, Totem Lake, Finn Hill and other newly annexed areas), the opportunity still exists for engaged, well-organized and motivated communities to control how much and what kind of redevelopment occurs.

Without development at some level, neighborhoods and cities stagnate and eventually decline (Detroit being the extreme example). Redevelopment in an existing city is, in essence, the city being renewed.

Redevelopment brings a lot of desirable benefits. Old buildings are renewed or replaced, public amenities are added, new businesses come in, jobs are added and tax revenues increase. Theoretically, a “win, win, win” outcome.

Re-development, properly incentivized and regulated, occurs continually over time and allows the conflicting interests of developers and citizens to be reconciled fairly and intelligently. In the process, citizen concerns are recognized in zoning and development codes and developers make a reasonable profit.

### **Who’s involved**

Three parties participate in this process: Developers, citizens and government.

Developers seek maximum financial returns. If you’ve ever seen the show “Shark Tank” (or the better Canadian version, “Dragon’s Den”), you’ll have a good idea of who I’m describing.

Developers are eminently predictable; they seek to maximize their financial return on property. As a result, they push hard to pack as much square footage as possible onto any property. Because financial returns on property flow to the developer in the form of “rent”, the bigger the building, the more rent the developer can collect.

In the developer’s world, a big building and big money are complementary notions. Like the capitalists on the TV show, developers think primarily in terms of hard issues like cost and profit. Soft issues like aesthetics, human scale or walkable streets only resonate with a developer if they attract tenants.

Unregulated, developers would eventually turn our streets into canyons of faceless, hulking monoliths. If you doubt me, visit downtown Bellevue.

Citizens don’t like change. Most Kirklanders (myself included) prefer the city stay the way it is, thank you very much. We value “soft” issues like walkable streets, good landscaping and human scaled buildings.

In fact, were Kirklanders given sole discretion on the issue, the model for development downtown would likely be something akin to Park Lane: A narrow, tree-lined, single-story street filled with boutiques. Politicians want tax revenue. They also need to be sympathetic to citizens’ needs, but the revenue imperative can distort the judgment of any elected official.

So here’s how the process works. The council uses the Comprehensive Plan to establish zoning requirements that vary by location. These requirements set the three-dimensional boundaries for buildings, essentially locking in the maximum physical size of the structures. Different areas of the city have different limits based on the need to preserve views, etc.

Usually, the zoning process incorporates public hearings where interested parties are given the opportunity to provide input on proposed regulations. Failure by either party to successfully have their concerns incorporated into the zoning code, before it is formally adopted by the council, will greatly limit future efforts to fundamentally influence the shape of future buildings in that zone.

The reason for this is simple. Developers make substantial investments in developing property based on the maximums allowed by zoning codes. Without an assurance on this, they would have little confidence to invest in redevelopment. A process that would allow for changing the code after the fact would be unworkable. Conclusion: Zoning code approvals are the critical element of the process and the one most at risk of imbalance between citizen and developer interests.

With a piece of property in hand and guided by zoning and development requirements, the developer submits his proposal to the Planning Department. The department works with the developer and other city departments to ensure minimum standards are met. The process can end with an administrative approval, after which the building can be permitted and constructed.

However, in key areas of the city (primarily downtown) the city requires review by the Design Review Board. The board (composed of citizen volunteers), using the zoning code as a reference point, then holds public hearings seeking to modify the proposal with respect to those “soft issues” I mentioned.

What the developer submits in the first board meeting is what you would expect; a building “maxed-out” to the limits of what the zoning code will allow. The board, being subject to the same zoning codes as the developer, is stuck with that maxed-out envelope and works to mitigate the worst and promote the best aspects of the ultimate building. So what is allowed by the zoning code is approved, albeit with architectural revisions to mitigate impacts or enhance features.

Design Review Board decisions can get appealed, usually by citizens that rightly feel their interests have not been adequately addressed due to building height and mass. Sadly, most appeals don’t succeed because the basis of citizen appeals are typically about the two issues that the board cannot substantially alter: Building height and mass.

So, what’s the problem? Developers are formidable counter parties in this process. They are well coordinated, well funded, politically active and understand the arcane intricacies of the process.

Citizens are ill-equipped to participate in this process for all the opposite reasons. We are not well organized, cannot easily hire experts to advocate for us and are limited in our ability to participate on the same level as developers, simply because we all have regular jobs to attend to.

Aggravating this very lopsided dynamic is an approval process so burdened by technical jargon and arcane concepts, it cannot help but be tilted in favor of developers. Against this, no one citizen has a chance of completely understanding the implications of a proposed zoning change, let alone standing in opposition to a proposal that a developer wants to push forward. The result is a disenfranchised citizenry.

In its current form, the city's zoning update process is failing to synthesize a community vision for the future and is biased in favor of developers, who are prevailing on issues of profit over the needs of our citizens.

The zoning and development approval process fails to engage us at the right time with meaningful information. It is hurried, confusing, opaque and structured to favor much better resourced and organized developers. It is riddled with technical jargon, obscure concepts, and uses outdated and ineffective methods to engage the public.

As a result, our zoning approval processes are predisposed to discount citizen concerns and favor developer interests. The one advantage that citizens theoretically have are our elected politicians, who we should reasonably rely on to account for these inherent imbalances and compensate for them in how they develop and implement zoning policy.

In reality, city officials are not acting as "fair arbiters" between developers and citizens. Instead, they are treating each group as if they were equally resourced parties to the issues at hand – a hopelessly imbalanced approach.

*James Truhan is chair of the Design Review Board.*

## **Ideas to improve Kirkland's zoning process**

By **JAMES TRUHAN**  
**Kirkland Reporter Contributor**  
AUGUST 2, 2013 · 10:32 AM

Last week, I discussed the abnormal level of controversy over redevelopment in Kirkland and how the zoning process currently works.

It is time to step up, insist on changes in how the city works with developers and bring balance back to our city's zoning approval process.

I am offering the following handful of practical ideas to help bring balance back to the process.

### **Affix a warning label**

When the city announces proposed zoning changes, it typically couches them in neutral terms that fail to portray the potential impact of the changes that are being contemplated.

Instead, we need the equivalent of a "Surgeon General's warning" on the zoning approval process. For example: "If this zoning change is approved, your community could see X many new condo units, causing Y in extra traffic times, Z additional taxes, new building heights X taller than the highest adjacent structure, view blockages, solar impacts, etc ..."

I'm not being facetious. Citizens must be informed of the consequences of their failure to participate in the process.

### **Use plain language**

The potential impacts and workings of the process need to be conveyed in layman's terms. Drawings are not enough. Highly technical written texts mostly aggravate an already-confusing muddle.

To be comprehensible to citizens, proposed zoning changes need to be conveyed in a form that is most meaningful to the average person. Technical issues need to be conveyed in plain, jargon-free language.

### **Create a citizen advocate position**

This position would report directly to the mayor and act as an independent watchdog on the rezoning and planning approval processes, ensuring that adequate, plain language notices are given, looking for and eliminating technical jargon, making sure that resources are adequate and that all parties follow the rules.

### **Consider a 'jury-advocacy' model**

In architectural competitions, a small group of judges (called a "jury") are often used to evaluate and provide feedback on design proposals. The designer often stands before the jury accompanied by drawings, models, etc. and presents the proposal. The jury asks questions, challenges assumptions and provides critique to improve or change the design.

Given the power imbalance between developers and individual citizens, implementing a citizen advocacy model based on a jury concept could provide a basis to even the playing field. With volunteer members coming from a range of backgrounds from around the city, the jury would not have approval power, but would allow community concerns to be focused in a body with one foot in the community and the other in the design arts.

This "jury" would participate in public presentations, working sessions and the like as citizen advocates.

### **'Show' is better than 'tell'**

Physical and "real time" computer models need to be provided that clearly show the impact of zoning on specific blocks set in the neighborhoods they will impact.

With the advent of 3D scanning, 3D printing and a host of other readily available tools, this would be a relatively simple measure to implement, with the costs of producing these materials shared with developers who stand to benefit the most from the zoning changes they advocate.

By the way, developers have historically provided dramatically colored perspective drawings to supplement approval materials. They typically show one or two views of a proposed building, always from an advantageous position that emphasizes the best and minimizes (or hides) the worst aspects of the project.

In recent years, developers have raised the process of creating these “artist’s renderings” to, well, an art form, often showing proposed buildings populated with beautiful people and cars, and shown from perspectives that no human would ever see them from.

The problem with these renderings is that the developer controls what you see and from where you see it.

Conversely, 3D models created in physical or computer format cannot be so easily manipulated, which wrests control back from the developer and puts it back into the public realm where it can support a more honest evaluation of the impacts.

### **Don’t just inform, mobilize**

Our elected officials must do more than inform communities of proposed changes. They need to mobilize and engage citizens so that awareness is maximized and the ability to organize is supported.

Current practice relies on postings in local newspapers, which are too easily missed or misconstrued as an ad (if they are even looking at a paper-based publication - which is becoming rarer by the day).

Mailings to property owners are also a common practice, but these omit renters, which form an increasing proportion of our citizenry.

The city holds community meetings already as part of this process but is not doing enough to mobilize citizens by informing them of what is at stake. The city needs to widen its effort to “catch” citizens, including positioning materials in transit centers, grocery stores, health clubs or anywhere citizens congregate.

In contrast to these traditional methods of public outreach, an abundance of resources now exist that are cheap or free. In that light, there is no excuse for any individual not to be within the reach of the city government that wants to engage and mobilize them as participants.

### **Hold on, we’re not ready yet**

The public is not given enough time to respond. For citizens and communities to compete on a level basis with developers, they must be afforded more time to do what the developer has already done. Prepare.

“Prepare” in this context is affording enough time for citizens to coalesce into groups that collectively can participate on an equal footing with the developer.

While developers come to the table fully organized and resourced to move forward, citizens need time to understand the issues, coalesce and prepare.

While it's true that individual citizens can and do come to hearings without extended notice, pitting an individual citizen, or even a group of uncoordinated citizens against a developer with deep pockets does not constitute representative government.

Finally, as I write this, the city is completing a third-party study focusing on accelerating the building approval process – something developers are pushing hard for but that would likely put another barrier in the way of citizens seeking to exert their will on the form of their community.

### **A call to action**

Our challenge as a community is to preserve what we view as the fundamental character of our neighborhoods, while still encouraging development. Without active and forceful participation by its citizens, the city of Kirkland's destiny will be determined not by its citizens, but by a small handful of developers and government officials.

Here's a checklist of steps you can and should take:

1. Seek out existing community groups in your neighborhood. Join them and communicate your concerns.
2. Get familiar now with what the zoning code allows for development in your community.
3. Timing is everything. Learn what the city is planning for development in your neighborhood.
4. Finally, if you are concerned about the urbanization of our community, put the focus where it belongs: On your city council.
5. Show up at council hearings.
6. Take advantage of public comment opportunities.
7. Challenge council candidates to articulate their position on the city's urbanization.
8. Vote.

When I moved to Kirkland in 1994, I was attracted to its walkable streets, intimately scaled downtown and independent small-scale shops. When I volunteered for the city's Design Review Board a few years ago, it was because I highly valued these aspects of our city and viewed the board as a way for me to help my city maintain its unique identity.

The Kirkland of old still exists, but is gradually giving way to something very different. We should embrace that as a natural and potentially healthy process. But, in embracing that fact, it remains to us to determine (by our willingness to forcefully engage) whether "different" is also "better."

*Kirkland resident James Truhan is a chair of the city's Design Review Board.*

Lake Street Place  
# sep 13-00959

Dear Friends,

I am a fairly new resident  
of Kirkland and the state of  
Washington. I love it here and  
plan to stay.

My comment regarding the  
traffic, safety, parking, noise,  
exhaust, excrement and many  
many more adjectives apply.

Kirkland for many years was  
a lovely little community. No  
more. All the building must  
stop - NO W!

Regards,

Goodsett





July 10, 2013

Eric DeGroot  
Chesmore/Buck Architecture  
27 100<sup>th</sup> Ave NE #100  
Bellevue, WA 98004

*RE: Lake Street Place – Roof Deck Noise Analysis*

This letter presents the results of an environmental noise analysis conducted for the proposed occupied roof deck of the Lake Street Place Development office project located at 112-150 Lake Street S in Kirkland, WA. The purpose of the analysis is to document the impact of the proposed roof deck to the adjacent noise sensitive receiving properties; the Portsmouth Condominiums to the east and the south, Merrill Gardens to the east, and the 101 Kirkland Apartments to the north. Noise levels generated during maximum anticipated occupancy on the roof are predicted to the property lines of the receiving properties, and compared to the exterior sound level limits established by Kirkland Municipal Code. This analysis is based on the design drawings dated 7/30/12 and occupancy loads provided in email correspondence dated 4/15/13.

This review is based on the anticipated use of the space for commercial offices. Should the use of the spaces change, an additional study would be required to ensure compliance with the noise code limitations.

## **ZONING**

The project site is bounded by the 101 Apartments to the north, Merrill Gardens Assisted Living Facility to the east, the Portsmouth Condominiums to the east and southeast, Second Avenue to the south and Lake Street South to the west.

Per the City of Kirkland, it is our understanding the project and adjacent properties are currently zoned as follows:

- Project Site: CBD-1B
- North: CBD-1B
- East: CBD-1B / CBD-4
- South: CBD-1B
- West: CBD-2

LAKE STREET PLACE  
ROOF DECK ENVIRONMENTAL NOISE ANALYSIS

As per the Kirkland Zoning Map, CBD is classified as “Central Business District” zoning. The following figure is a zoning map with the project site highlighted in blue, Figure 1.

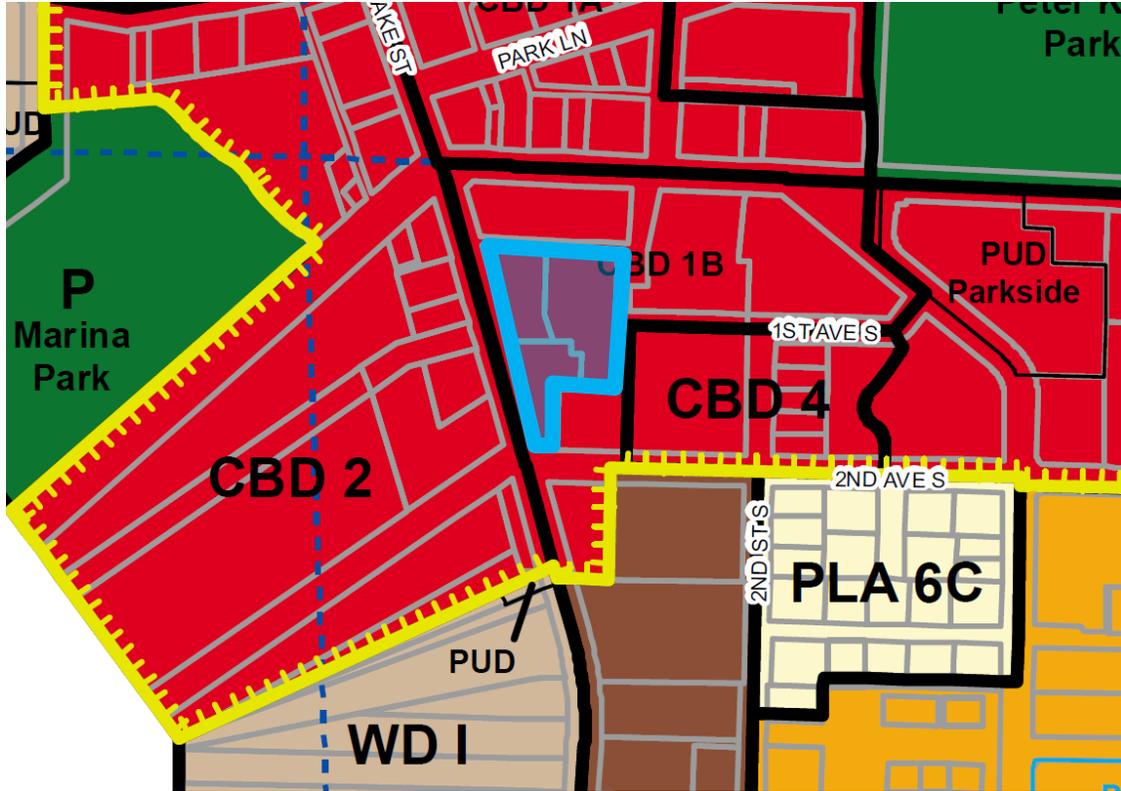


Figure 1 – Project Site Zoning Map

LAKE STREET PLACE  
 ROOF DECK ENVIRONMENTAL NOISE ANALYSIS

**NOISE ORDINANCE**

The City of Kirkland Municipal Code adopts the maximum environmental noise levels established in WAC 173-60 by reference. The applicable noise ordinance, as outlined in WAC 173-63-040 *Maximum permissible environmental noise levels*, is based on the Environmental Designation for Noise Abatement (EDNA) for the source and receiving properties. WAC 173-60 defines the EDNA by land use. The maximum permissible environmental noise levels for a commercial source, and residential or commercial receiver per Washington code are listed below in Table 1.

**Table 1: Maximum permissible environmental noise levels**

EDNA of Sound Source	EDNA of Receiving Property
	<b>EDNA B Commercial (dB(A)) (Leq)</b>
<b>EDNA A Residential</b>	57
<b>EDNA B Commercial</b>	60

WAC Code 173-60-040(B) states that between the hours of ten (10:00) p.m. and seven (7:00) a.m. the limits given by the table above are reduced by ten (10) dB(A) for receiving properties within Class A EDNAs.

In addition, during any hour of the day or night the applicable noise limitations may be exceeded for any receiving property by no more than:

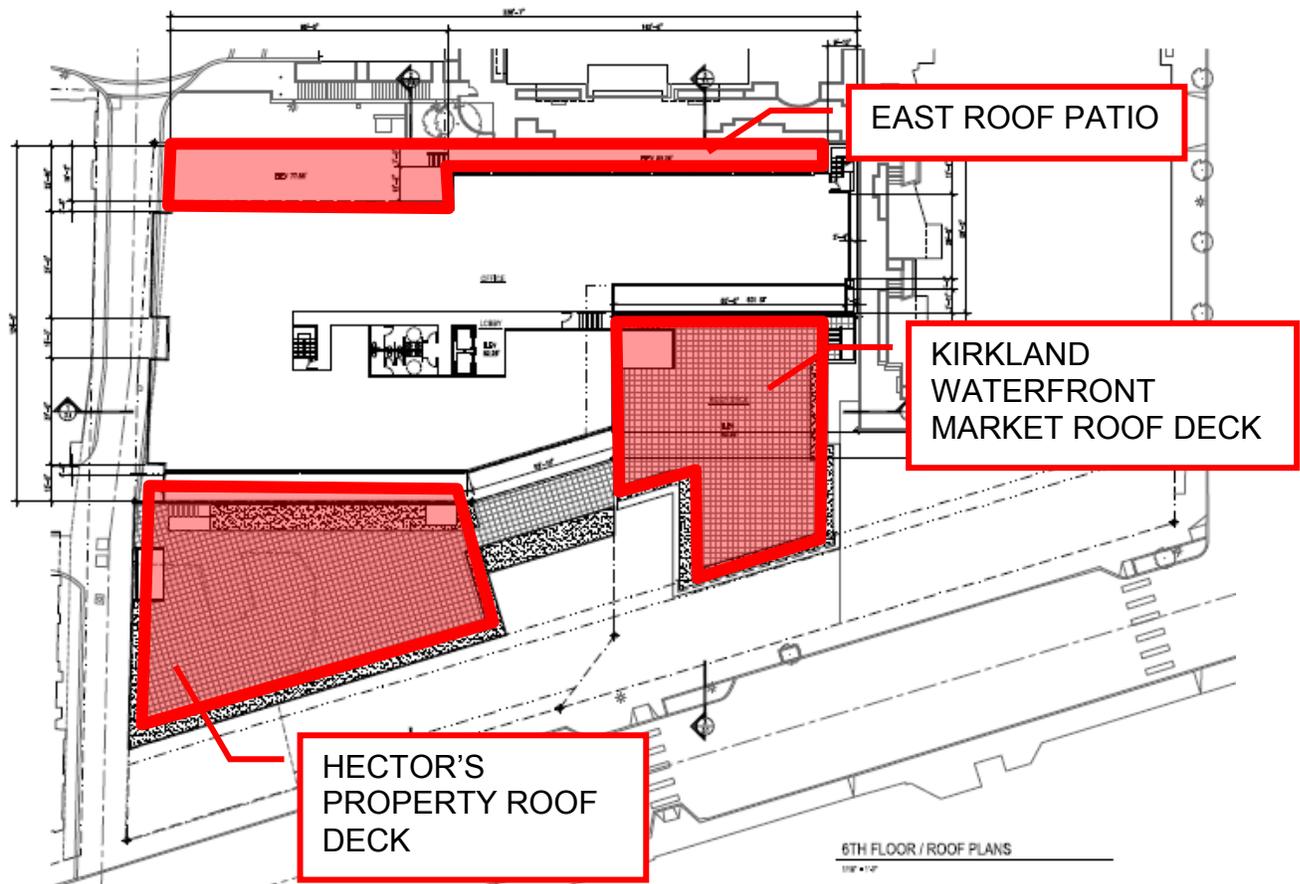
- (a) 5 dB(A) for a total of 15 minutes in any one-hour period; or
- (b) 10 dB(A) for a total of 5 minutes in any one-hour period; or
- (c) 15 dB(A) for a total of 1.5 minutes in any one-hour period.

The 101 Kirkland Apartments north of the site, as well as Merrill Gardens senior housing east of the site, and Portsmouth Condominiums south and east are residential land uses and for the purposes of this report are treated as Class A EDNA, having limits for noise transmission of 57 dBA during daytime hours. As the occupancies of the Lake Street Place project are planned to be commercial offices, these roof decks are not anticipated to be occupied during nighttime hours. Should the planned use of the project change, additional study would be required to ensure compliance with other noise code limitations.

LAKE STREET PLACE  
ROOF DECK ENVIRONMENTAL NOISE ANALYSIS

## ROOF DECK AND CALCULATION DESCRIPTION

There are three main roof decks shown for the Lake Street Place project; one to the south serving the Kirkland Waterfront Market offices, one to the north serving the Hector's Property Offices, and one to the east serving additional office space. These three areas are shown in the figure below.



**Figure 2 – Roof Deck Plan**

For our analysis, we have utilized the maximum occupant loads for each roof deck as provided by the design team. These indicate a maximum of 40 office occupants on the Kirkland Waterfront Market roof deck, a maximum of 64 office occupants on the Hector's office roof deck and 32 office occupants on the east office roof deck. At a maximum, half of these guests would be talking and half listening at any one time, assuming that each person there is engaged in conversation with only one other person. Therefore, we have taken the maximum number of sources to be 20, 32, and 16 people on each roof deck, respectively. In addition, we expect that this conversation would take place for a maximum of 30 minutes in a given hour.

We have used a source level of 62 dBA at 1 meter for normal voice level, based on the ANSI draft standard S3.79. Distance from the closest occupied point on the roof deck is

LAKE STREET PLACE  
ROOF DECK ENVIRONMENTAL NOISE ANALYSIS

taken to the adjacent property line to the south, which corresponds to the north edge of the public way, as well as the upper floor window of the Portsmouth condos north façade for the worst-case scenario. The calculation takes into account that all occupants are assumed distributed on the southern edge of the deck.

For the north roof deck, occupied by the Hector's Property offices, we have calculated the noise impact across the alley based on a distribution of all occupants on the northern third of the roof deck. At the east roof deck, we have assumed a distribution of occupants along the east edge of the roof, with a maximum of 50% of the occupants able to be concentrated in one area, at a point closest to the condos, or Merrill Gardens. These receiving points are shown in the figure below.

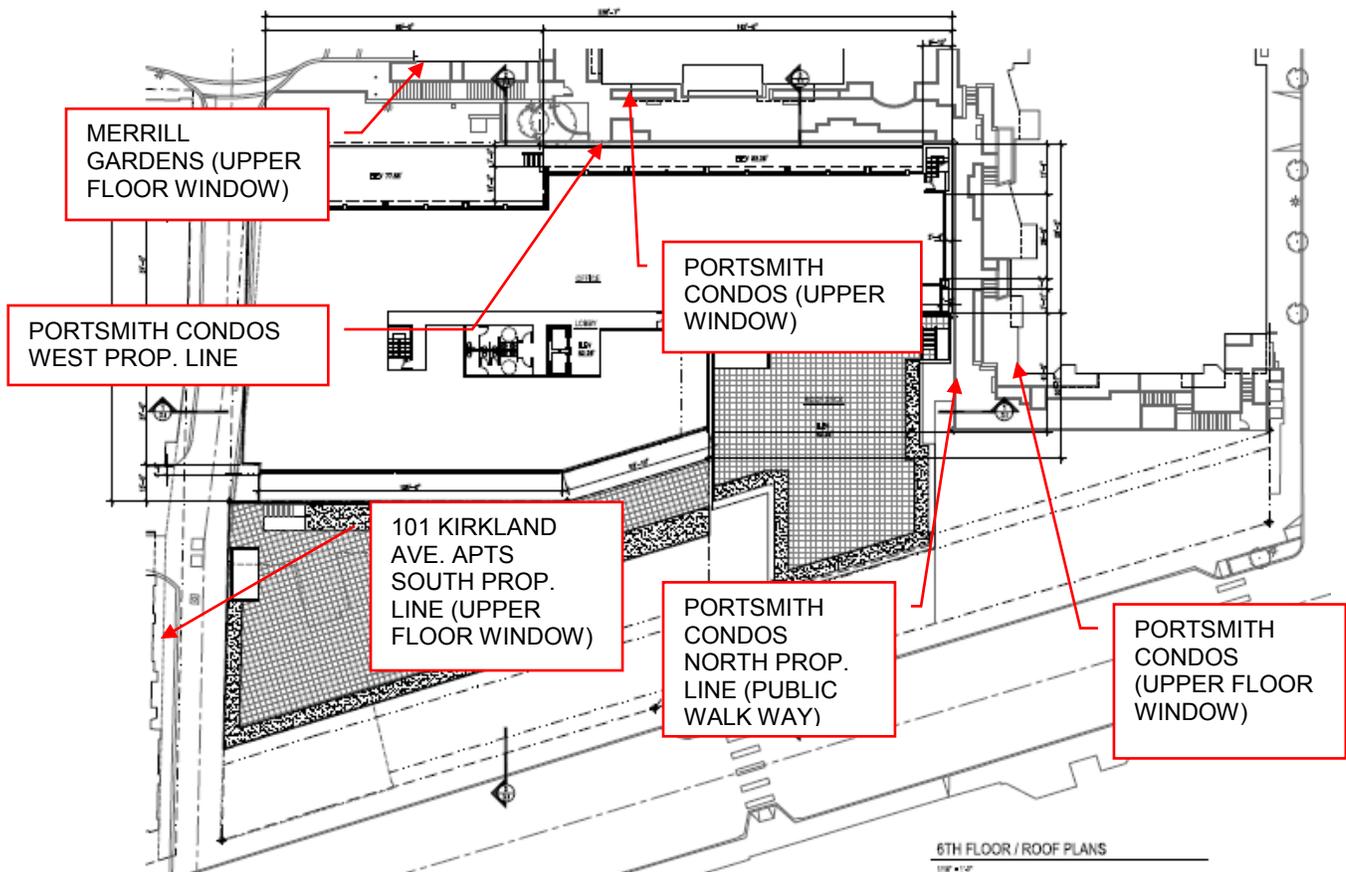


Figure 3 – Sound Prediction Locations



LAKE STREET PLACE  
 ROOF DECK ENVIRONMENTAL NOISE ANALYSIS

**RESULTS & DISCUSSION**

Noise levels from the proposed roof top deck areas have been predicted to the closest adjacent property lines, and upper floor windows with direct line of sight for the worst case scenario. The sound predictions are shown in the table below.

<b>Receiving Property Calculation Summary</b>	
<b>Receiver</b>	<b>L<sub>p</sub> (dBA)</b>
<b>North Receiving Property (101 Kirkland Apartments South Prop. Line):</b> 32 speakers at a normal voice level, speaking for 50% of a given hour. Speakers distributed on north 1/3 of Hector's property deck. Propagated across the alley.	<b>53</b>
<b>South Receiving Property (Portsmouth Condos North Prop. Line):</b> 20 speakers at a normal voice level speaking for 50% of a given hour, concentrated on southern edge of roof deck. Propagated to the public walk way below.	<b>46</b>
<b>South Receiving Property (Portsmouth Condos Upper Floor Window):</b> 20 speakers at a normal voice level speaking for 50% of a given hour, concentrated on southern edge of roof deck. Propagated across the public walk way below.	<b>50</b>
<b>East Receiving Property (Portsmouth Condos Upper Floor Window):</b> 16 speakers at a normal voice level speaking for 50% of a given hour, concentrated on east edge of roof deck. Propagated across the public walkway. Speakers distributed with 50% at closest point to adjacent property to the east.	<b>53</b>
<b>East Receiving Property (Portsmouth Condos West Property Line):</b> 16 speakers at a normal voice level speaking for 50% of a given hour, concentrated on east edge of roof deck. Propagated to the public walkway. Speakers distributed with 50% at closest point to adjacent property to the east.	<b>50</b>
<b>East Receiving Property (Merrill Gardens West Upper Floor Window):</b> 16 speakers at a normal voice level speaking for 50% of a given hour, concentrated on east edge of roof deck. Propagated across the alley space. Speakers distributed with 50% at closest point to adjacent property to the east.	<b>51</b>

As can be seen above, the predicted noise levels to the North, South, and East will be below the 57 dBA limit imposed by Kirkland Municipal Code. The predicted noise level at the west property line across Lake Street South is well below 60 dBA, which is the City of Kirkland noise limit for B EDNA Source and B EDNA receiver.

LAKE STREET PLACE  
ROOF DECK ENVIRONMENTAL NOISE ANALYSIS

**SUMMARY**

This letter shows that the environmental noise impact from the roof decks planned for the Lake Street Place Project will be below code limits imposed by the City of Kirkland. This document has provided our environmental noise analysis to the nearest adjacent property lines from the planned roof decks at 112-150 Lake Street S in Kirkland, Washington. This analysis has been provided for the office occupancy planned for the project. Should the planned use change, a revised analysis will be provided.

Should there be questions please do not hesitate to contact us.

Sincerely,  
SSA ACOUSTICS, LLP



**Matt Roe**  
ACOUSTICAL CONSULTANT

SSA ACOUSTICS, LLP  
222 Etruria St, Suite 100  
Seattle, WA 98109  
(206) 839-0819 – P  
(206) 839-0824 – F



**Mohamed Ait Allaoua**  
MANAGING PARTNER  
& SENIOR ACOUSTICAL CONSULTANT

## Appendix A. Descriptors

To better understand this report we present a brief overview regarding sound properties, descriptors and terms.

**dBA** Mechanical noise is often measured as an A-weighted sound level in units of decibels, symbolized as dBA. The A-weighting is a specific weighting filter in a sound level meter that corresponds approximately to the sensitivity of human hearing at the various frequencies.

Sound levels vary significantly depending on location and activities. People normally experience sound levels between about 30 and 90 dB(A), depending on their activity. For example, a nearby noisy vehicle, radio or power tool may produce 90 dB(A); normal conversation is about 55 to 65 dB(A); and a bedroom or quiet office is about 30 to 40 dB(A). The table below approximates human sensitivity to changes in sound level.

**Table 2 – Changes in Sound Level**

<b>Change in Sound Level (dB)</b>	<b>Change in Apparent Loudness</b>
1	Imperceptible (except for tones)
3	Just barely perceptible
6	Clearly noticeable
10	About twice (or half) as loud
20	About 4 times (or one-fourth) as loud



August 22, 2013

Eric DeGroot  
Chesmore / Buck Architecture  
27 100<sup>th</sup> Avenue NE, Suite 100  
Bellevue, WA 98004

RE: City of Kirkland Noise Ordinance Compliance Letter  
Lake Street Place

Dear Eric,

This letter attests that SSA Acoustics has been hired to conduct a noise analysis of the proposed mechanical system at the Lake Street Place Project, to include, but not be limited to the garage exhaust fans and rooftop mechanical units. The purpose of the noise study will be to ensure that the noise levels from the mechanical system are within both the City of Kirkland allowable limits for a residential and commercial receivers, and existing noise levels.

### **Noise Measurement Descriptors**

Sound is measured as sound levels in units of decibels, dB. Environmental noise is typically measured as an A-weighted sound level in units of decibels, symbolized as dBA. The A-weighting is a frequency-specific weighting that corresponds approximately to the sensitivity of human hearing at the various frequencies, particularly the greater sensitivity at mid and high frequencies.

Sound levels vary significantly depending on location and activities. People normally experience sound levels between about 30 and 90 dBA, depending on their activity. For example, a nearby noisy vehicle, radio or power tool may produce 90 dBA; normal conversation is about 55 to 65 dBA; and a bedroom or quiet office is about 30 to 40 dBA.

Loudness is judged by an average listener to double for each 10-dBA increase in sound level. For example, 60 dBA is judged to be twice as loud as 50 dBA and four times as loud as 40 dBA. The smallest change in sound level considered to be just noticeable is 2 to 3 dBA.

When measuring noise that is fluctuating over time, such as traffic noise, it is common practice to use a descriptor called equivalent A-weighted sound level, Leq. The Leq is that constant sound level in dBA which contains the same amount of sound energy over a given time period as the measured fluctuating noise. The Leq is often determined for one-hour time periods.

### **City of Kirkland Noise Limits**

The City of Kirkland adopts the maximum environmental noise levels stipulated by the Washington Administrative Code Chapter 173-60 by reference. The applicable noise ordinance as outlined in WAC 173-63-040 *Maximum permissible environmental noise levels* is based on the Environmental Designation for Noise Abatement (EDNA) for the source and receiving properties. WAC 173-60 defines the EDNA by land use.

It is our understanding the land-use for the Lake Street Place project and adjacent properties are currently as follows:

- Project Site: Commercial (EDNA-B)
- North: Residential (EDNA-A)
- East: Residential (EDNA-A)
- South: Residential (EDNA-A)
- West: Commercial (EDNA-B)

Based on the land-use of the source and receiving properties, the noise limit for mechanical equipment at the Lake Street Place project to properties to the north, east and south is 57 dBA during the daytime hours of 7am and 10 pm, and 47 dBA during the nighttime hours of 10 pm and 7 am. Noise limits to the commercial property to the west are 60 dBA at all times.

In addition, during any hour of the day or night the applicable noise limitations may be exceeded for any receiving property by no more than:

- (a) 5 dB(A) for a total of 15 minutes in any one-hour period; or
- (b) 10 dB(A) for a total of 5 minutes in any one-hour period; or
- (c) 15 dB(A) for a total of 1.5 minutes in any one-hour period.

### **Ambient Noise Levels**

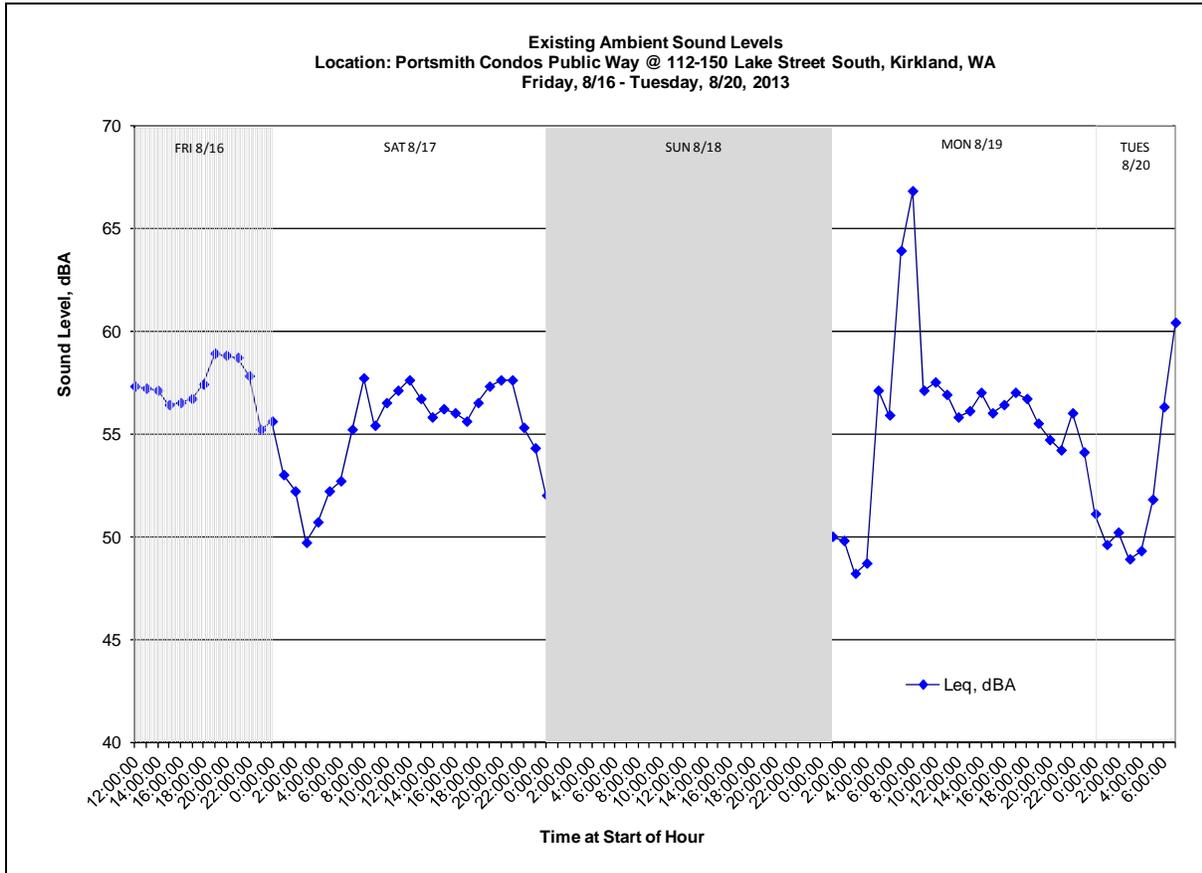
Existing sound levels were monitored continuously from 12:00PM on 16 August 2013 to 8:00AM on 20 August 2013 at the site to determine the baseline ambient noise levels. The noise monitor was placed on the Public Right-of-Way associated with the Portsmouth Condominiums to the east of the Lake Street Place site, approximately 200' from Lake Street, so as to have maximum shielding from traffic noise on Lake Street and Kirkland Avenue.

The measurement equipment included a Larson-Davis, Model 820 Environmental Noise Analyzer. The equipment conforms to American National Standards Institute (ANSI) requirements for Type 1 instruments. The weather during these measurements was dry with minimal wind.

The result of the long-term measurement is shown in the figure below as plots of the hourly Leq.

As can be seen in the graph below, the Leq ranged between 48 dBA and 58 dBA during the nighttime hours of 10 pm and 7 am, and 53 dBA and 67 dBA during the daytime hours of 7 am and 10 pm.

Lake Street Place Noise Compliance



## **Summary**

The use of the Portsmouth Condominiums east and south of the site is residential, as is the Merrill Gardens property to the east and the 101 Kirkland Apartments to the north. The City of Kirkland noise limits for a commercial source and residential receiver are 57 dBA during the daytime hours of 7 am and 10 pm, and 47 dBA during the nighttime hours of 10 pm and 7 am. Based on the result of our noise measurements, the minimum measured daytime noise level of 53 dBA falls below the required code minimum of 57 dBA during the day. To minimize the impact of the Lake Street Place mechanical equipment to the adjacent property lines, our design goal for daytime noise will be 53 dBA. At night, the minimum measured levels are above the code limits, so the code limit of 47 dBA will govern as a design goal.

In order to minimize noise at the source, two garage exhaust fans have been provided in lieu of one single fan. In addition, sound traps downstream are provided prior to the exhaust shaft, to mitigate discharge noise levels. Finally, extending the discharge duct to include additional mitigation downstream of the fans will be provided as required.

The mechanical equipment serving the Hector's Restaurant is ducted to exterior louvers on the north façade of the building. This equipment has been designed with 12-15 feet of duct at a minimum upstream and downstream, which will accommodate sound traps or other mitigation as required to meet the design goal at the nearest adjacent property.

SSA Acoustics has reviewed the preliminary mechanical system design and provided recommendations as described above to include sound traps, duct lining, and revised mechanical equipment selections and layouts to meet the design criteria outlined above. We will continue to review design changes that may occur as the design progresses. Throughout this process we will provide recommendations accordingly to ensure that the noise levels at the adjacent property lines, including Portsmouth Condominiums, 101 Kirkland Apartments and Merrill Gardens Assisted Living Facility are within the design criteria.

If you have any questions, or need additional information, please contact us.

Sincerely,  
SSA Acoustics, LLP



**Mohamed Ait Allaoua**  
MANAGING PARTNER



**August 26, 2013**

**Lake Street Project (LSP)**

**Mechanical Systems Consideration**

The types mechanical systems chosen for this project as well as design of the systems have taken into account the noise and air quality for the neighborhood. We have designed the project to have minimal roof penetrations for exhaust air and rooftop equipment as well as sound lined ductwork.

The condensing units chosen are intrinsically quieter than most units. Additionally they are normally mounted outside but will be installed indoors and air will be ducted to the outdoors thus furthering the noise reduction.

We are required to exhaust air from the garage by mechanical ventilation. This could be accomplished using one large exhaust fan, but we are providing to smaller exhaust fans to achieve the same exhaust air flow. Smaller fans means less noise produced. The location of the fans are in the garage to reduce sight and noise in lieu of the roof. In addition we are providing sound attenuators that will further reduce the amount of noise transferred through the ductwork,

All equipment has been placed so that it is furthest from the property line and still maintain proper functionality.

Additionally the design team has hired an acoustical consultant to analyze the sound impact of equipment for the surrounding areas. We will meet all required City of Kirkland decibel levels allowed for the mixed se zone of commercial and residential.

Kitchen exhaust traditionally can cause bad air quality by introducing smoke and unwanted odors into the surrounding areas. This project will be utilizing an additional piece of equipment called a pollution control unit. This unit filters out unwanted smoke and odor so that the air quality outdoors of the restaurant will not be diminished.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Melchor Berona', with a long horizontal flourish extending to the right.

Melchor Berona P.E.

Berona Engineers Inc.