



MEMORANDUM

To: Design Review Board
From: Jon Regala, Senior Planner
Date: April 25, 2013
File No.: DRV13-00192
Subject: PHASE I - LAKE STREET PLACE DESIGN RESPONSE CONFERENCE
(CONTINUED FROM MARCH 18, 2013)

I. MEETING GOALS

At the May 6, 2013 Design Review Board (DRB) meeting, the DRC should continue the Lake Street Place Phase I Design Response Conference from March 18, 2013 and determine if the project is consistent with the design guidelines contained in Design Guidelines for Pedestrian Oriented Business Districts, as adopted in Kirkland Municipal Code (KMC) Section 3.30.40.

During the Design Response Conference, the DRB should resolve the issues identified with the following topics:

- Building massing – vertical and horizontal modulation
- Blank wall treatment
- Materials, colors, and details

II. BACKGROUND INFORMATION

The subject property is located at 150 Lake Street South (see Attachment 1). Rick Chesmore, with Chesmore/Buck Architecture representing the property owner, Stuart McLeod, has applied for a Design Response Conference to construct a 13,958 sq. ft. addition to the existing Kirkland Waterfront Market building (see Attachment 2 and 3). The project includes a 965 sq. ft. ground floor addition to the Milagro restaurant and 12,993 sq. ft. of new office space. This project (Phase I) is a part of a larger development called Lake Street Place to be constructed in two phases.

Phase I is one of three buildings that were approved with conditions by the DRB on January 24, 2013. The decision to approve the project was based on a central courtyard design approach and compliance with the applicable design guidelines. The DRB's decision was subsequently appealed by several neighbors. The Hearing Examiner conducted an appeal hearing on April 4, 2013 and later affirmed the DRB's decision on April 10, 2013.

The current proposal for Phase I requires a new Design Response Conference because the east and north facades created with the building additions were not reviewed as part of the previous design review process for Lake Street Place. Phase II would consist of the Main Street building (parking garage and office space) and the expansion of the existing Hector's building.

III. DESIGN RESPONSE CONFERENCE

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. In addition to the standard guidelines contained in the Design Guidelines for Pedestrian-Oriented Business Districts, the following information summarizes key guidelines which apply specifically to the project or project area. Given that the applicant's proposal is primarily an addition above an existing building footprint, not all of the design guidelines apply to the project.

See also Sections IV and VI for information regarding zoning regulations and how they affect the proposed development.

A. Pedestrian-Oriented Design Guidelines

1. General

The following is a list of key design issues and/or design techniques that should be addressed with this project as identified in the design guidelines.

- *Blank wall treatment*
- *Vertical and horizontal modulation*
- *Building material, color, and detail*

See adopted Design Guidelines for Pedestrian-Oriented Business Districts for complete text and explanations.

2. Special Considerations for Downtown Kirkland

- *Breaking larger window areas into smaller units to achieve a more intimate scale is most important in Design Districts 1, 2, 4, 8, and the southwest portion of 3 where new buildings should fit with older structures that have traditional-styled windows.*
- *Pedestrian features should be differentiated from vehicular features; thus fenestration detailing, cornices, friezes, and smaller art concepts should be concentrated in Design Districts 1 and 2, while landscaping and larger architectural features should be concentrated in Design Districts 3, 5, 7, and 8.*
- *The Downtown Plan's mandate for high-quality development should also be reflected in sign design.*

B. Compliance with Design Guidelines

The following information briefly summarizes the DRB's discussion and direction given to the applicant at the March 18th Design Response Conference.

1. SCALE

a. DRB Discussion

The DRB asked the applicant to revisit the building's north and east façade design. The north and east facades of the proposed Kirkland Waterfront Market addition are visible from key vantages - Lake Street and Main Street. As proposed, the building design was not comparable nor did it reflect the quality of the previously approved Lake Street Place project.

Although it is the intent for the property owner to construct the entire Lake Street Place project, it is uncertain when the remaining buildings will

be built. The DRB noted that Phase I should be reviewed as a stand-alone project.

b. Staff Analysis

The current proposal to expand upon the existing Kirkland Waterfront Market maintains a similar upper story building design at the west and south facades as previously reviewed and approved by the DRB for the overall Lake Street Place project. However, encroachment into the 30' upper story setback along Lake Street South is no longer being proposed and has been removed from the project. See Section IV below for additional information.

Attachments 2 and 3 contain the applicant's response to the DRB's previous direction for Phase I. The applicant has proposed several techniques to address building massing and blank wall treatment concerns:

- *Introducing material changes at the lower two floors (CMU veneer)*
- *Façade articulation between 2nd and 3^d floor (horizontal band)*
- *Building modulation at the north façade*
- *Roofline definition – new cornice treatment*
- *Breaking up single awning into 3 separate awnings*
- *Use of different colors help accentuate the above techniques*

In addition, windows have been added to the north and east facades in response to the DRB's concerns. Previously, the windows were articulated but did not contain glass. The windows along the east façade are made of spandrel glass to provide privacy.

The DRB should determine what changes, if any should be made to the building facades based on the design guidelines topics listed below.

- *Blank wall treatment*
- *Vertical and horizontal modulation*

The DRB should also provide feedback on the proposed rooftop mechanical screen. The mechanical screen was not part of the previous review. See Section VI.C for additional information.

2. PEDESTRIAN AND VEHICULAR ACCESS

a. DRB Discussion

This topic was discussed briefly at the Design Response Conference. The DRB did not request additional information on this topic.

b. Staff Analysis

The concerns previously expressed by the DRB in regards to loading/unloading and trash areas with the overall Lake Street Place project do not apply to the current Phase I proposal. No new back of house functions are proposed with Phase I. Also, no changes are proposed to the existing parking lot access and existing pedestrian space and/or walkways.

3. OPEN SPACE AND LANDSCAPING

a. DRB Discussion

The DRB requested a landscape plan for review.

b. Staff Analysis

A landscape plan is required as part of a Design Response Conference. The applicant has submitted a landscape plan consistent with the DRB approved Lake Street Place project as it pertains to the Kirkland Waterfront Market addition (see Attachment 3). Landscaping is proposed on the perimeter of the roof deck. The DRB should determine if any changes to the landscape plan for the Phase I proposal are needed.

4. BUILDING MATERIALS, COLOR, AND DETAIL

a. DRB Discussion

The DRB requested plans depicting proposed materials, colors, and details for further review.

b. Staff Analysis

The applicant has submitted information on building materials, color, and details for review by the DRB. For reference, staff has included information on the approved Lake Street Place project (see Attachment 4 perspective drawing only). The DRB should provide feedback to the applicant regarding the Phase I north and east facades since they were not previously reviewed.

IV. KEY ZONING REGULATIONS – DRB AUTHORITY

Zoning regulations for the subject property can be found in the CBD 1B use-zone chart (see Attachment 5). The following regulation regarding upper story setbacks is important to point out because it applies to the DRB's review and provides parameters for new development on the site.

KZC Section 50.10.5.a requires that no portion of a building within 30' of Lake Street South may exceed a height of 28' above Lake Street. KZC Section 50.10.5.f authorizes the DRB to approve up to a 5-foot reduction to the required 30' upper story setback with a tradeoff of public open space at the street level along the sidewalk. The amount of required public open space to be dedicated is dictated by KZC Subsections 50.10.5.f(1) and (3).

After consideration of public comment and the DRB's concerns regarding the proposed open space design, the applicant has withdrawn the request to encroach into the required 30' upper story setback along Lake Street South. The plans have been revised to show a 30' setback and dedicated public open space removed from the site plan. No changes are proposed to the existing outdoor dining area for the Milagro restaurant.

See also Section VI below for a summary of other development regulations applicable to the proposed project but are not under the DRB's authority.

V. STATE ENVIRONMENTAL POLICY ACT

SEPA is the state law that requires an evaluation of a development proposal for environmental impacts. The issue most frequently addressed through SEPA is traffic. Design Review is not a project action and thus SEPA review is not required at the time of Design Review.

A SEPA application has not been submitted by the applicant. SEPA review is required to occur prior to the issuance of any building permit for the project.

VI. DEVELOPMENT STANDARDS

The applicant's proposal is also subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, Fire and Building Code, and Public Works Standards. These regulations and standards are not under the review authority of the DRB and will be reviewed for compliance as part of the building permit review stage of the project. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 6, Development Standards, is provided to familiarize the applicant with some of these additional development regulations.

In terms of zoning, below are some of the key zoning standards that apply to the development followed by preliminary staff review and/or comment in italics.

- A. **Permitted Uses:** Permitted uses in this zone include, but are not limited to retail, restaurants, office, and stacked dwelling units. Office and stacked dwelling units may not be located on the ground floor of a structure unless there is an intervening retail use

Staff Comment: The applicant is proposing an expansion of the existing ground floor restaurant use and upper story office uses. The proposed uses are consistent with the permitted uses for CBD 1B.

- B. **Setbacks:** Upper story setbacks are the only building setbacks required in this zone. See Section IV above for a discussion on upper story setbacks.

- C. **Height:** CBD 1B zoning allows a maximum height of 55' measured above the midpoint of the subject property on the abutting right-of-way. Additional height is allowed for peaked roofs and/or parapets. Decorative parapets may exceed the height limit by a maximum of four feet, provided that the average height of the parapet around the perimeter of the structure shall not exceed two feet.

Regarding rooftop appurtenances, KZC Section 50.62.3.c states that the height of rooftop appurtenances and the height of related screening may not be modified through KZC 115.120.

Staff Comment: The maximum height allowed for this building is 55'. The new building addition is 47.27' tall as measured above the midpoint elevation at the property frontage to the top of the roof deck. The parapets are 2.5' or 3.5' in height above the roof deck depending on their location. Also, the proposed mechanical screen is 6' above the roof deck. The total height of the building and the mechanical screen is 53.27'. This is 1.73' below the maximum height allowed in the CBD 1B zone.

- D. **Lot Coverage:** CBD 1B zoning regulations allow 100% lot coverage.

- E. **Parking:** Restaurants and taverns must provide one parking space for each 125 square feet of gross floor area. All other uses must provide one parking space for each 350 square feet of gross floor area. The City also has grandfathered parking provisions: 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 (see KZC 50.60.3.a). The applicant must demonstrate compliance with parking requirements as part of any building permit.

VII. PUBLIC COMMENT

Prior to the finalization and distribution of this staff memo, one public comment email was received by staff. The email has been included as Attachment 7.

VIII. SUBSEQUENT MODIFICATIONS

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.

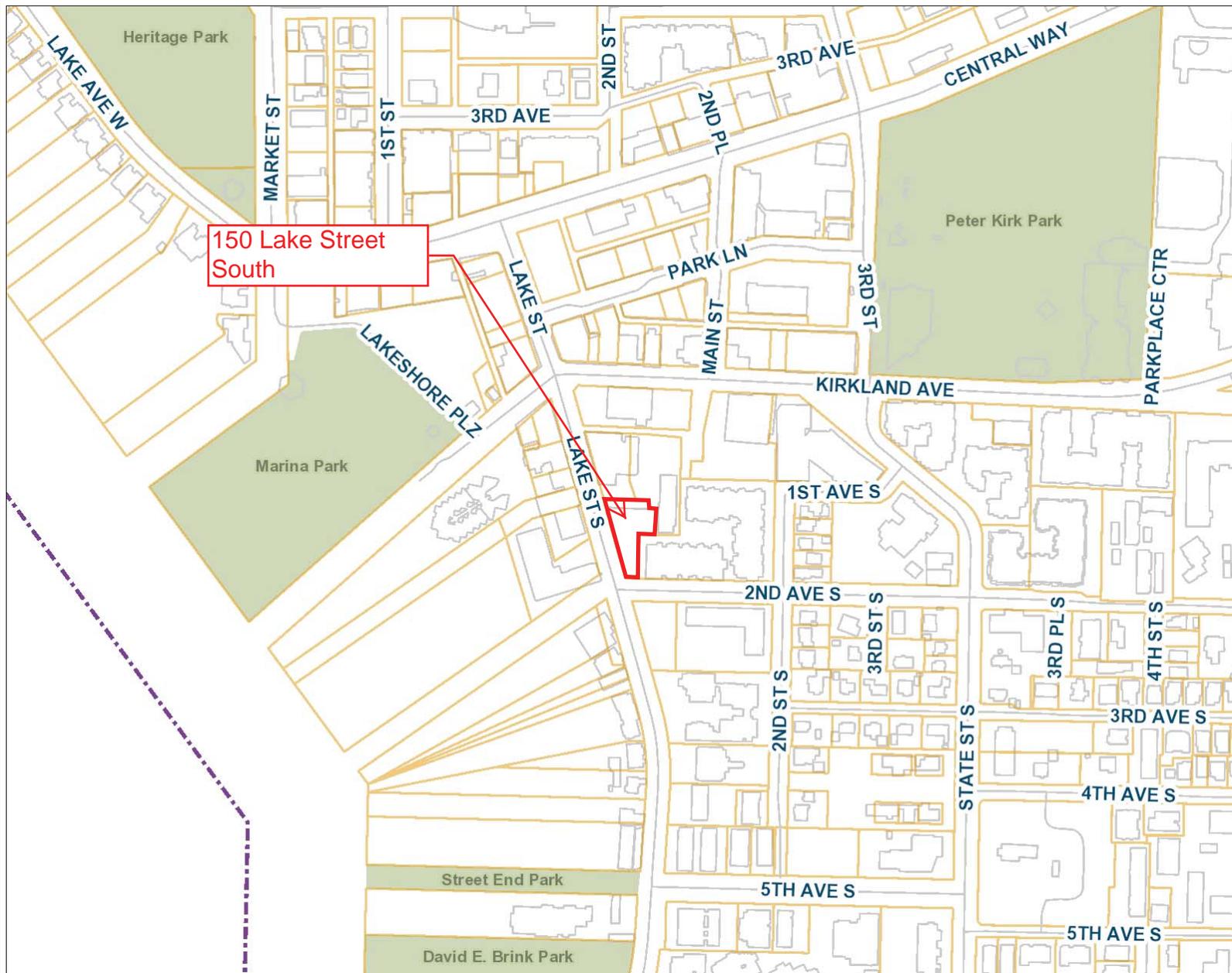
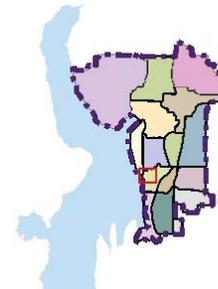
IX. ATTACHMENTS

1. Vicinity Map
2. Project Description
3. Project Plans
4. Lake Street Place Perspective Drawing
5. CBD 1B Use Zone Chart
6. Development Standards
7. Public Comment

CC: Parties of Record List - File No. DRV13-00192.



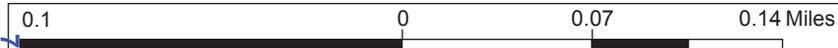
GIS MAPPING PORTAL ~ City of Kirkland, Washington ~ Department of Information Technology



Legend

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

1: 4,444



NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Project Area Map

Lake Street Place – Phase I - Kirkland Waterfront Market

Project Description:

The Kirkland Waterfront Market (KWM) building, located at 150 Lake Street South, 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 13,000 sf of office space above the first floor level.

Response to October 1st Design Response Conference:

We have aggressively modified the building program and have modified the building modulation on the north and east elevations to address the Design Review Comments from the March 18th Design Response Conference (DRC).

The following are adjustments to the project scope in response to the DRC Conference:

Requested 5'-0" reduction to the 30'-0" Lake Street setback at the proposed third and fourth stories-

- We have removed the 5'-0" reduction request, therefore, the proposed 3rd and 4th story walls are placed at the required 30'-0" setback from Lake Street with a code allowed 18" overhang.

West Façade at the proposed 3rd and 4th Stories-

- As mentioned above the 3rd and 4th story walls are now placed at the 30'-0" setback location.
- The primary materials for the west façade consist of a horizontal and vertical steel channel detail framing the openings for the aluminum "curtain wall" window system and an exterior plaster upper parapet wall and overhang and the exterior plaster color matches the color of the existing 1st and 2nd story walls at the KWM.

North Façade at the proposed 1st, 2nd, 3rd and 4th Stories-

- We have modulated the north façade by dividing the elevation into 3 sections.
- The first section starts at the northwest corner and continues 50' to the east. The first 2 stories are defined by a 4" CMU veneer forming columns and a horizontal line at the transition to the 3 floor level. Between the columns at the first level are wood bi-folding doors with canvas awnings above and aluminum windows above the awnings. The CMU block wall is then capped with a MDO wood painted double fascia and painted metal cap. The 3rd and 4th stories are finished with exterior plaster with painted exposed steel headers over aluminum windows. The plaster is then capped with a plaster double horizontal band and metal flashing cap.
- The second section is shown 8' wide, recesses back 3', and begins with a metal panel façade surrounding the elevator door. A large painted steel awning is placed above the elevator entrance. The upper 3 stories in this area are finished with an exterior plaster with a terra cotta color highlighting the elevator entrance to the 2nd, 3rd, and 4th floors.
- The third section is about 11'-0" wide and shows a 4" CMU block at the at the 1st and 2nd stories with a painted steel canopy above the metal door leading to the new stairwell serving the new upper stories. The CMU block wall is again capped with a MDO wood painted double fascia and painted metal cap. The upper 2 stories are exterior plaster capped with a double plaster horizontal band and metal flashing cap.
- We are also proposing to install wall sconces between the window frames that will wash the wall with up/down light.

East Façade at the proposed at the existing 1st and 2nd levels and the new 3rd and 4th Stories-

- We have modulated the east façade by dividing the elevation into 2 different sections.
- The first section begins at the northeast corner and is about 72'-0" long and at the 1st and 2nd stories are clad with a 4" CMU block veneer which frames 3 bays of aluminum windows frames with spandrel glass and painted steel headers above the window frames. The CMU veneer is then capped with a MDO wood painted double fascia and painted metal cap. A painted steel canopy is shown above the painted metal door leading to the 1st floor level hallway. The 3rd and 4th stories are finished with exterior plaster with painted exposed steel headers and aluminum window frames with spandrel glass. The plaster then is capped with a plaster double horizontal band and metal flashing cap.
- The second section is the 8" CMU block cladding at the southeast stair tower. The block is capped with a metal flashing cap.
- We are also proposing to install wall sconces between the window frames that will wash the wall with up/down light.

South Façade at the proposed 3rd and 4th Stories-

- We are proposing an 8" CMU block wall cladding at the new walls for the southeast stair tower. The block is capped with a metal flashing cap.
- The primary materials for the south façade consist of a horizontal and vertical steel channel detail framing the openings for the aluminum "curtain wall" window system and an exterior plaster column, upper parapet wall, and overhang and the exterior plaster color matches the color of the existing 1st and 2nd story walls at the KWM.

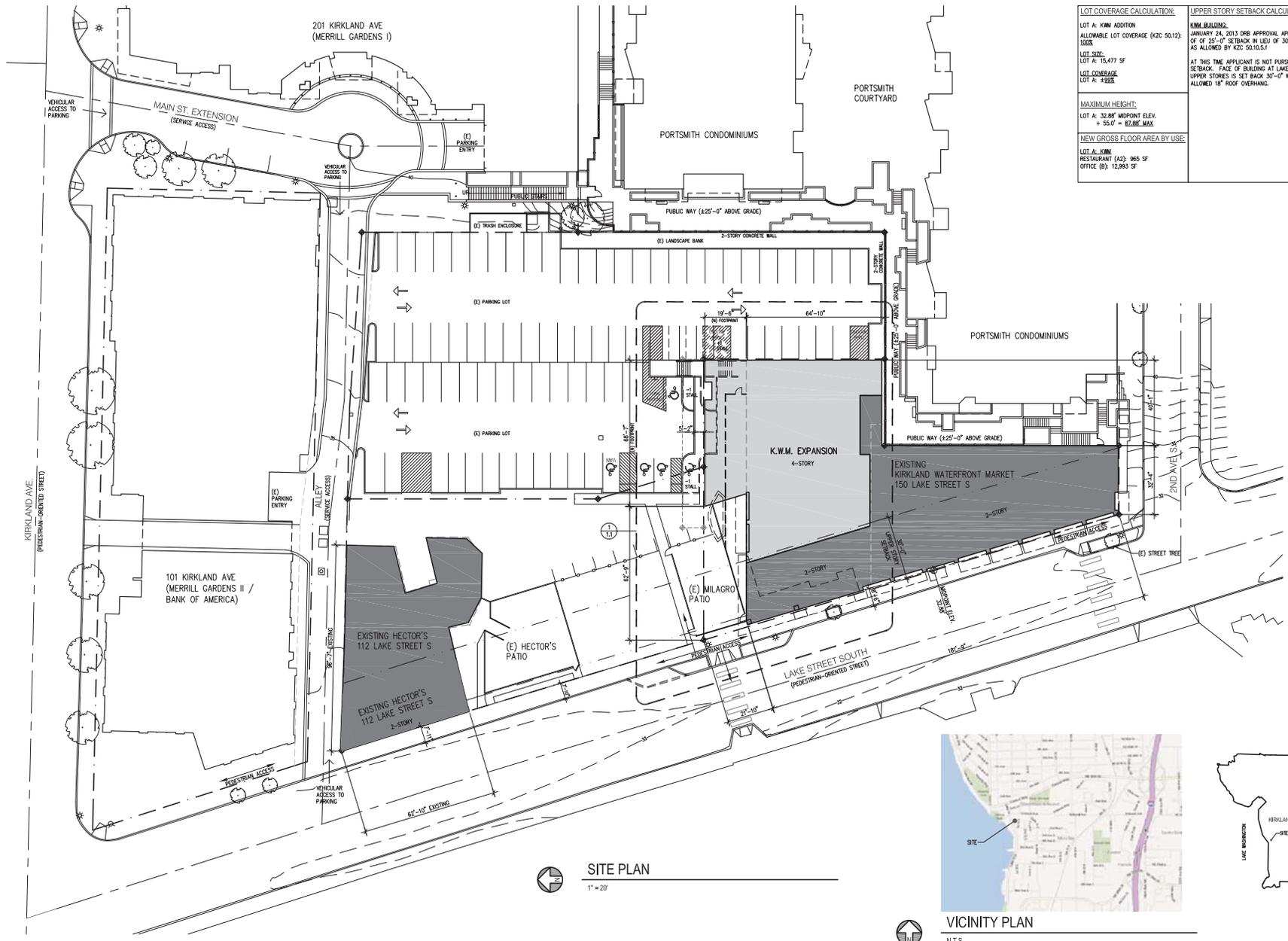
Roof Top Floor-

- The proposed roof deck will be constructed using 2'x2' concrete pavers placed on a pedestal system. The roof deck is not intended for occupied use (during Phase I).
- We are proposing a painted 6'-0" high metal mechanical screen above the roof deck. The screen is 7' wide and 30' long and oriented and centralized on the roof deck to be sensitive to adjacent property view corridors.
- We are proposing a 5' wide perimeter landscape planter along the south, west, and north edges of the roof top deck. The primary plant materials will be Cascade Oregon Grape, Evergreen Huckleberry, Bearberry, and Salal.
- We are proposing low sidewall downlights illuminating pathways to the stairways and wall mounted downlights above the two stair doorways illuminating the doors.
- There will be a 30" high parapet wall along the south, west, and north edges of the roof.
- A 42" high parapet wall is proposed along the east edge of the roof deck and around the stair penthouses.

Site Impacts/Changes-

- The existing 10ft wide patio area, planter, sidewalk and parking lot backup space along the existing north façade will be removed. A new 5ft sidewalk, parking planter and parking lot backup space will be created.
- The existing concrete stair at the northeast corner will be removed and a new concrete stair will replace it farther to the north. This will be accessed by a new striped pedestrian path from the parking lot to the stair and new north sidewalk.
- Two parking stalls will be displaced and one new parking stall will be created within the existing 85 stall parking lot, thus leaving 84 parking stalls which exceeds the required parking of 83 stalls.

LOT COVERAGE CALCULATION:	UPPER STORY SETBACK CALCULATION:
LOT A: KWM ADDITION ALLOWABLE LOT COVERAGE (KCC 50.12): 100%	KWM BUILDING: JANUARY 24, 2013 DRB APPROVAL APPROVED USE OF 25'-0" SETBACK IN LIEU OF 30'-0" SETBACK AS ALLOWED BY KCC 50.15.5.1
LOT SIZE: LOT A: 15,477 SF	AT THIS TIME APPLICANT IS NOT PURSUING 25'-0" SETBACK. FACE OF BUILDING AT LAKE STREET S UPPER STOREY IS SET BACK 30'-0" WITH A CODE ALLOWED 1'6" ROOF OVERHANG.
LOT COVERAGE: LOT A: 4.95%	
MAXIMUM HEIGHT: LOT A: 32.88' MIDPOINT ELEV. + 55.0' = 87.88' MAX.	
NEW GROSS FLOOR AREA BY USE:	
LOT A: KWM RESTAURANT (A2): 965 SF OFFICE (B): 12,993 SF	



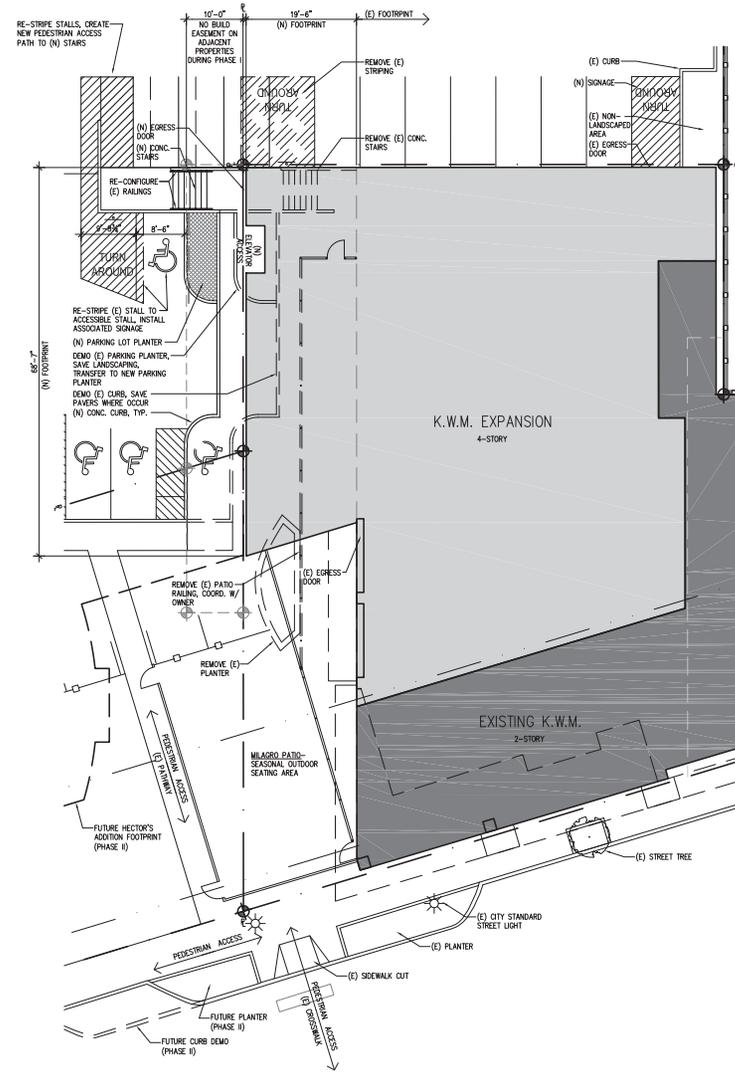
SITE PLAN
1" = 20'



VICINITY PLAN
N.T.S.



LAKE STREET PLACE - PHASE I - KWM
150 LAKE STREET S
KIRKLAND, WA 98033

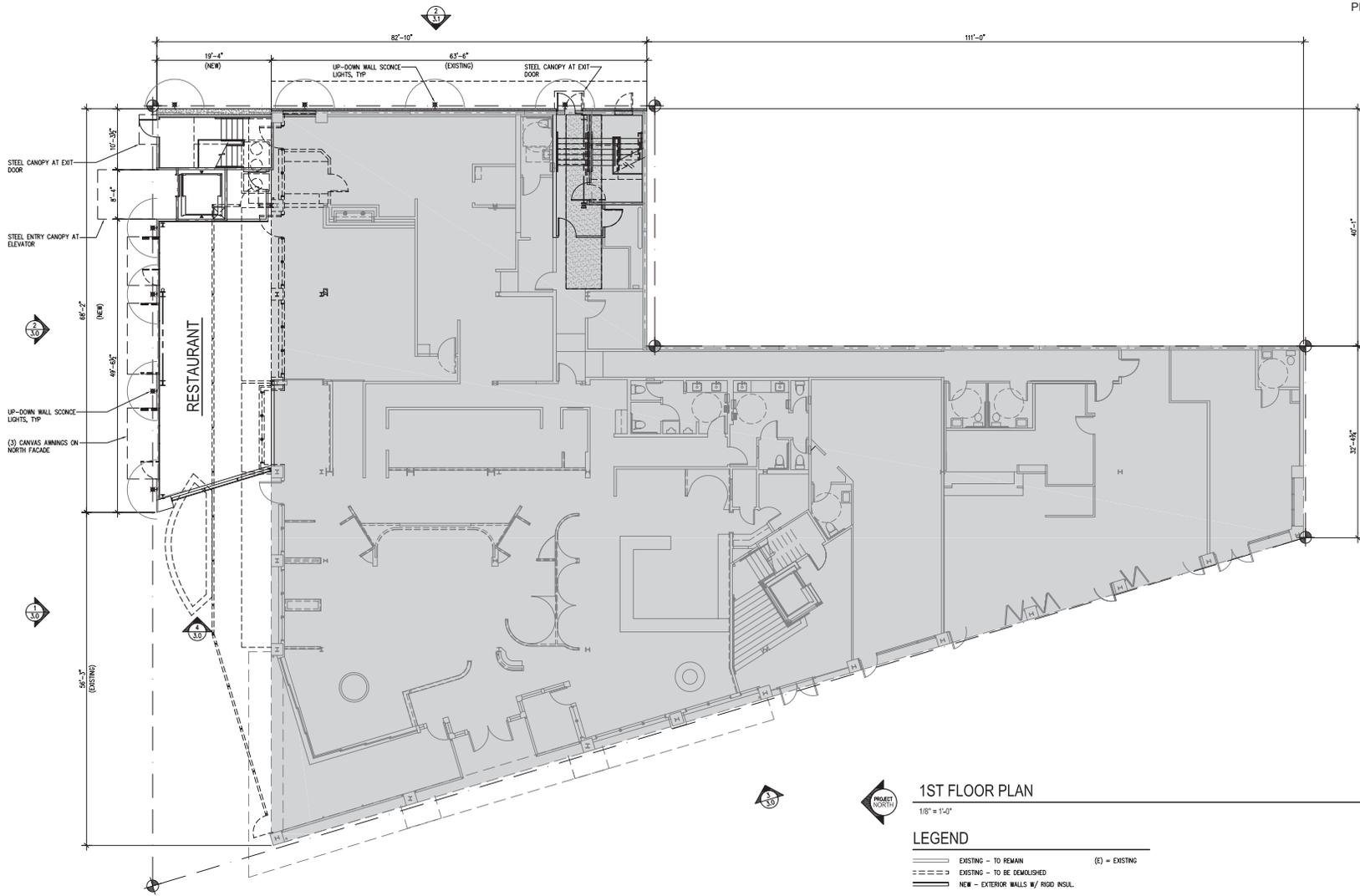


LAKE STREET PLACE - PHASE I - KWM

150 LAKE STREET S
 KIRKLAND, WA 98033

SITE PLAN

1 ENLARGED SITE PLAN
 1" = 10'

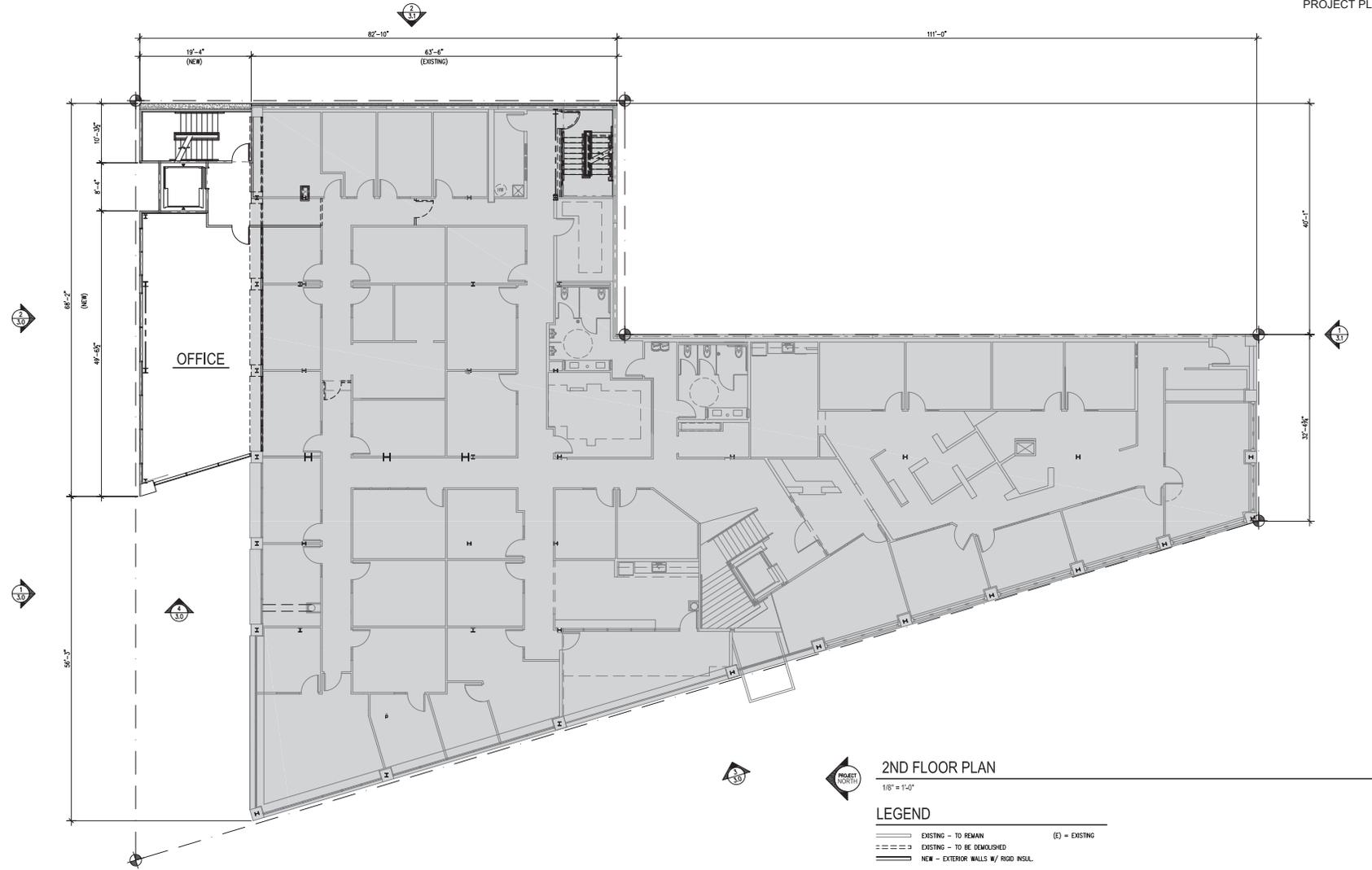


1ST FLOOR PLAN

1/8" = 1'-0"

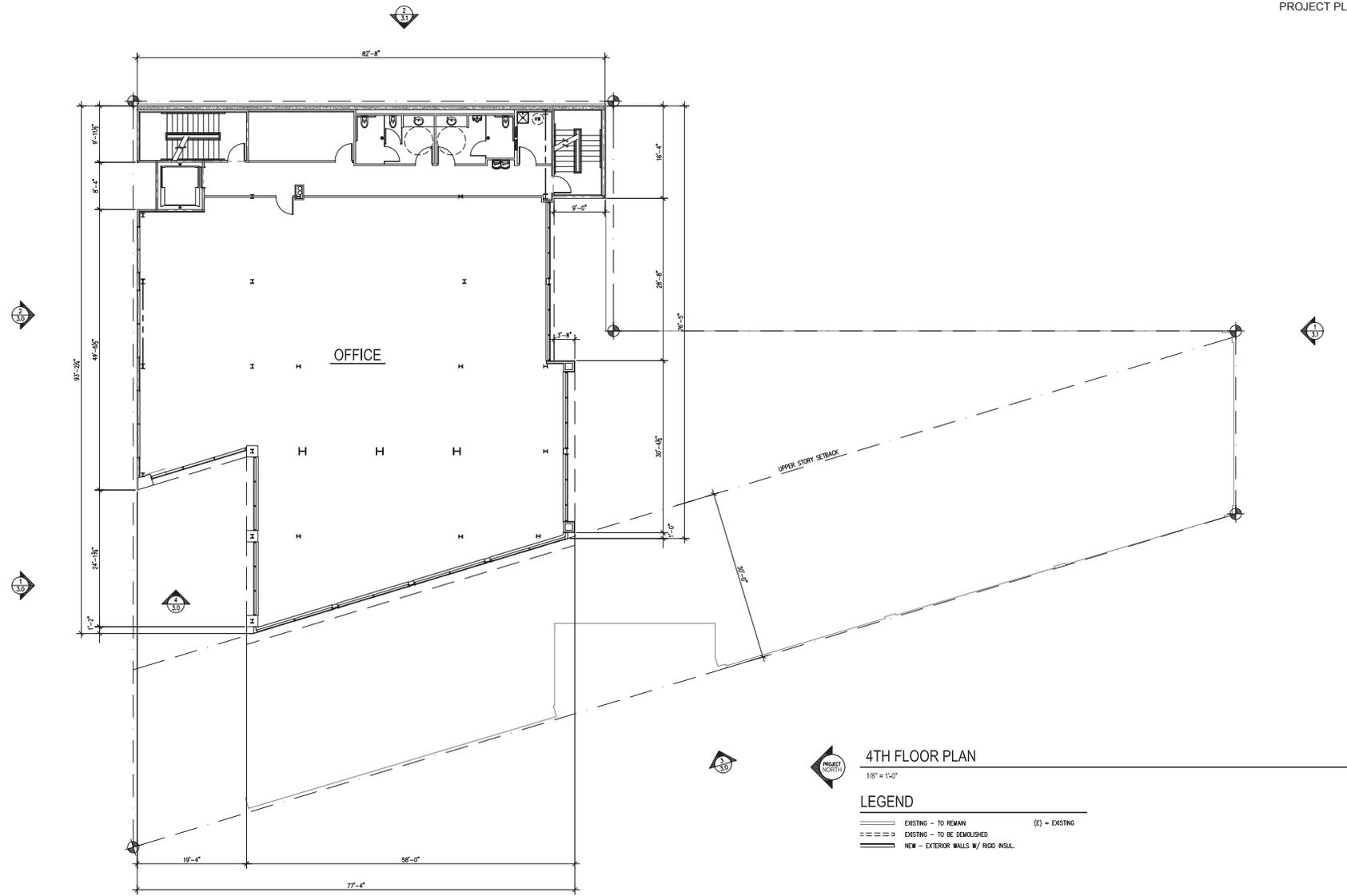
LEGEND

- EXISTING - TO REMAIN (E) = EXISTING
- - - - - EXISTING - TO BE DEMOLISHED
- NEW - EXTERIOR WALLS W/ RIGID INSUL.



2ND FLOOR PLAN
 1/8" = 1'-0"
LEGEND
 ——— EXISTING - TO REMAIN (E) = EXISTING
 - - - - - EXISTING - TO BE DEMOLISHED
 ——— NEW - EXTERIOR WALLS W/ RIGID INSUL.

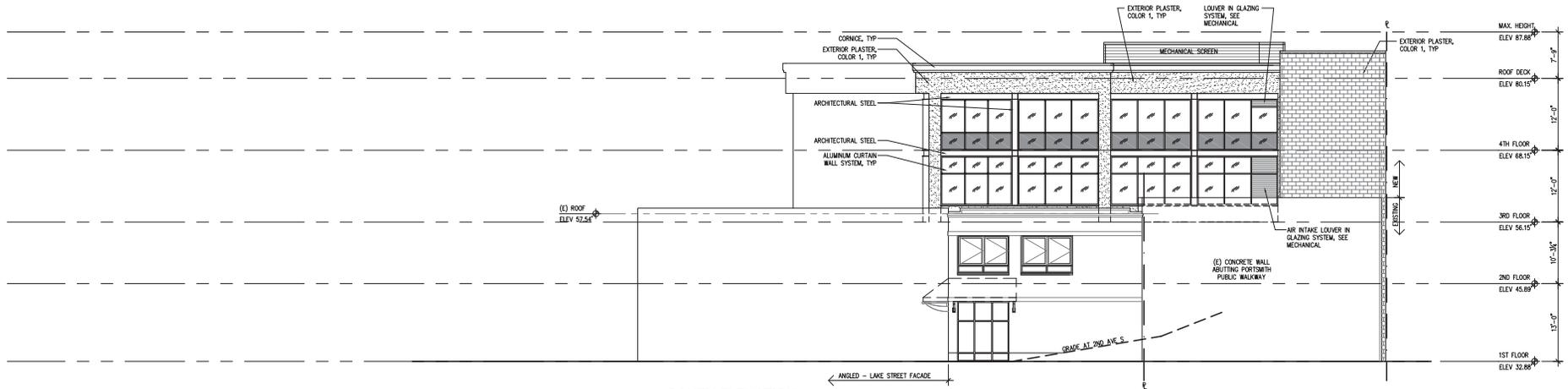
LAKE STREET PLACE - PHASE I - KWM
 150 LAKE STREET S
 KIRKLAND, WA 98033



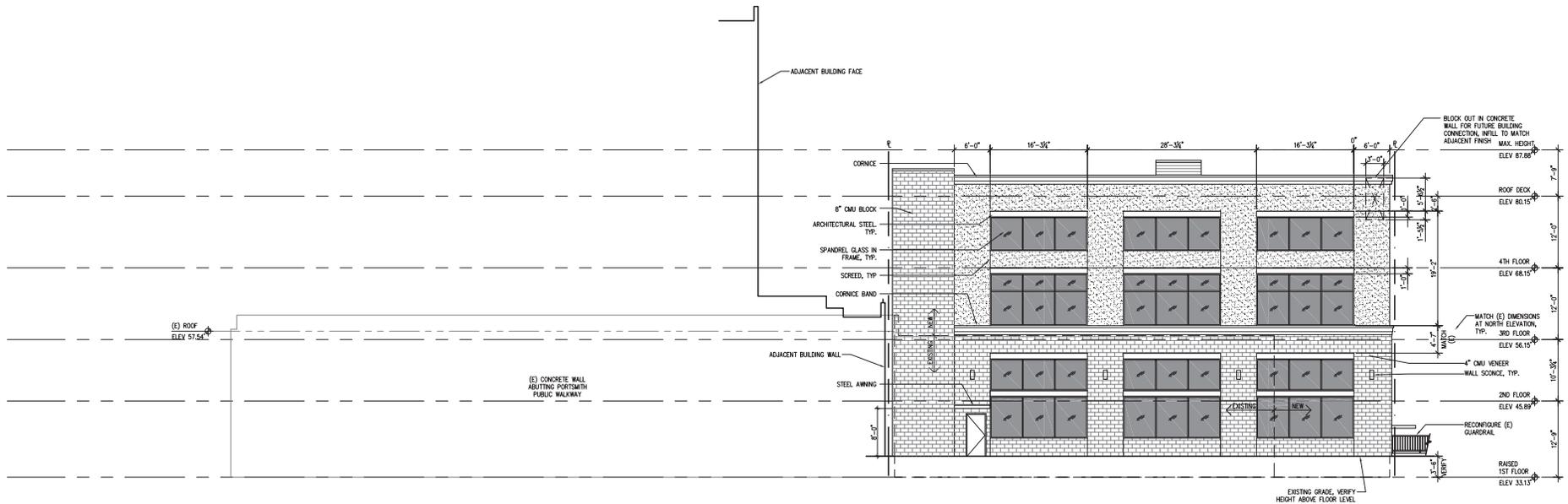
4TH FLOOR PLAN
 1/8" = 1'-0"

LEGEND

—	EXISTING - TO REMAIN	(E) = EXISTING
- - - -	EXISTING - TO BE DEMOLISHED	
▬▬▬▬	NEW - EXTERIOR WALLS W/ RIGID INSUL.	



① SOUTH ELEVATION
 1/8" = 1'-0"



② EAST ELEVATION
 1/8" = 1'-0"

No.	Date	Revised
04/17/13	DRS SUBMITTAL 2	
03/05/13	DRS SUBMITTAL	
02/07/13	DRS SUBMITTAL	



LSP - PHASE I - KWM - FROM LAKE ST S

N.T.S.



LSP - PHASE I - KWM - FROM PARKING LOT

N.T.S.



LSP - PHASE I - KWM - LAKE ST S

N.T.S.



LSP - PHASE I - KWM - FROM PORTSMOUTH PUBLIC WALKWAY

N.T.S.

LAKE STREET PLACE - PHASE I - KWM
 150 LAKE STREET S
 KIRKLAND, WA 98033

PHASE I

Sheet No. **4.0**
 Project No. 1105
 Date: **20** 07/30/12

04/17/13 DRB SUBMITTAL 2
 03/05/13 DRB SUBMITTAL
 02/07/13 DRB SUBMITTAL
 No. Date Revision



LSP - PHASE I - KWM
 N.T.S.



LSP - PHASE I - KWM
 N.T.S.



LSP - PHASE I - KWM
 N.T.S.



LSP - PHASE I - KWM
 N.T.S.

LAKE STREET PLACE - PHASE I - KWM
 150 LAKE STREET S
 KIRKLAND, WA 98033

PHASE I

Sheet No. **4.1**
 Project No. 1105
 Date: 07/30/12

04/17/13 DRB SUBMITTAL 2
 03/05/13 DRB SUBMITTAL
 02/07/13 DRB SUBMITTAL
 No. Date Reviewer

LAKE STREET PLACE - PHASE I - KWM
 150 LAKE STREET S
 KIRKLAND, WA 98033

PHASE I

Sheet No. **4.2**
 Project No. 1105
 Date: **22** 07/30/12



LSP - PHASE I - KWM

N.T.S.



LSP - PHASE I - KWM

N.T.S.



LSP - PHASE I - KWM

N.T.S.



LSP - PHASE I - KWM

N.T.S.

Lake Street Place

PREVIOUS DRB APPROVAL
Aerial Perspective of KWM
Market.
Entire approval packet can be
found in FILE DRV12-00921
at the Planning Department.

Kirkland, WA

Design Response Conference 4



McLeod Development

CHESMORE | BUCK
architecture

CHAPTER 50 - CENTRAL BUSINESS DISTRICT (CBD) ZONES

50.05 User Guide.

The charts in KZC [50.12](#) contain the basic zoning regulations that apply in the CBD 1 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 50.10



Section 50.10 – GENERAL REGULATIONS

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

1. Refer to Chapter [1](#) KZC to determine what other provisions of this code may apply to the subject property.
2. The maximum height of structure shall be measured at the midpoint of the frontage of the subject property on the abutting right-of-way, excluding First Avenue South. See KZC [50.62](#) for additional building height provisions.
3. The street level floor of all buildings shall be limited to one or more of the following uses: Retail; Restaurant or Tavern; Banking and Related Financial Services; Entertainment, Cultural and/or Recreational Facility; Parks; Government Facility; or Community Facility. The street level floor of buildings south of Second Avenue South may also include Office Use. The required uses shall have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building on the abutting right-of-way, not including alleys and similar service access streets). Buildings proposed and built after April 1, 2009, and buildings that existed prior to April 1, 2009, which are at least 10 feet below the maximum height of structure, shall have a minimum depth of 10 feet and an average depth of at least 20 feet containing the required uses listed above.
The Design Review Board (or Planning Director if not subject to D.R.) may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the retail frontage will maximize visual interest. Lobbies for residential, hotel, and office uses may be allowed within this space subject to applicable design guidelines.
4. Where public improvements are required by Chapter [110](#) KZC, sidewalks on pedestrian-oriented streets within CBD 1A and 1B shall be as follows:
Sidewalks shall be a minimum width of 12 feet. The average width of the sidewalk along the entire frontage of the subject property abutting each pedestrian-oriented street shall be 13 feet. The sidewalk configuration shall be approved through D.R.
5. Upper story setback requirements are listed below. For purposes of the following regulations, the term “setback” shall refer to the horizontal distance between the property line and any exterior wall of the building. The measurements shall be taken from the property line abutting the street prior to any potential right-of-way dedication.
 - a. **Lake Street:** No portion of a building within 30 feet of Lake Street may exceed a height of 28 feet above Lake Street except as provided in KZC [50.62](#).
 - b. **Central Way:** No portion of a building within 30 feet of Central Way may exceed a height of 41 feet above Central Way except as provided in KZC [50.62](#).
 - c. **Third Street and Main Street:** Within 40 feet of Third Street and Main Street, all stories above the second story shall maintain an average setback of at least 10 feet from the front property line.
 - d. **All other streets:** Within 40 feet of any front property line, other than Lake Street, Central Way, Third Street, or Main Street, all stories above the second story shall maintain an average setback of at least 20 feet from the front property line.
 - e. The required upper story setbacks for all floors above the second story shall be calculated as Total Upper Story Setback Area as follows:
Total Upper Story Setback Area = (Linear feet of front property line(s), not including portions of the site without buildings that are set aside for vehicular areas) x (Required average setback) x (Number of stories proposed above the second story). See Plate 35.
 - f. The Design Review Board is authorized to allow a reduction of the required upper story setback by no more than five feet subject to the following:
 - 1) Each square foot of additional building area proposed within the setback is offset with an additional square foot of public open space (excluding area required for sidewalk dedication) at the street level.
 - 2) The public open space is located along the sidewalk frontage and is not covered by buildings.
 - 3) For purposes of calculating the offsetting square footage, along Central Way, the open space area at the second and third stories located directly above the proposed ground level public open space is included. Along all other streets, the open space area at the second story located directly above the proposed ground level public open space is included.
 - 4) The design and location is consistent with applicable design guidelines.
 - g. The Design Review Board is authorized to allow rooftop garden structures within the setback area.
6. May also be regulated under the Shoreline Master Program; refer to Chapter [83](#) KZC.

[link to Section 50.12 table](#)

This page of the Kirkland Zoning Code is current through Ordinance 4371, passed August 7, 2012.

Disclaimer: The City Clerk's Office has the official version of the Kirkland Zoning Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.kirklandwa.gov/> (<http://www.ci.kirkland.wa.us/>)
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Section 50.12

Zone
CBD-1A,
1B

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 50.12	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)									
				Front	Side	Rear							
.010	Restaurant or Tavern	D.R., Chapter 142 KZC	None	0'	0'	0'	100%	CBD 1A – 45' above each abutting right-of-way. CBD 1B – 55' above each abutting right-of-way.	D	E	One per each 125 sq. ft. of gross floor area. See KZC 50.60.	1. Drive-in or drive-through facilities are prohibited.	
.020	Any Retail Establishment, other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, excluding banking and related financial services										One per each 350 sq. ft. of gross floor area. See KZC 50.60.	1. The following uses are not permitted in this zone: <ol style="list-style-type: none"> Vehicle service stations. The sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers; provided, that motorcycle sales, service, or rental is permitted if conducted indoors. Drive-in facilities and drive-through facilities. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The assembled manufactured goods are directly related to and dependent upon this use, and are available for purchase and removal from the premises. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 	

Section 50.12	 USE  REGULATIONS	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
			Front	Side	Rear							
.025	Banking and Related Financial Services See Spec. Reg. 2.	D.R., Chapter 142 KZC	None	0'	0'	0'	100%	CBD 1A – 45' above each abutting right-of-way. CBD 1B – 55' above each abutting right-of-way.	D	E	One per each 350 sq. ft. of gross floor area. See KZC 50.60.	1. Drive-through facilities are permitted as an accessory use only if: <ol style="list-style-type: none"> The drive-through facility is not located on a property that abuts either Park Lane or Lake Street. The drive-through facility existed prior to January 1, 2004, OR the drive-through facility will replace a drive-through facility which existed in CBD 1A or 1B on January 1, 2004, and which drive-through facility: <ol style="list-style-type: none"> Was demolished to allow redevelopment of the site on which the primary use was located; and Will serve the same business served by the replaced facility, even if that business moves to a new location; and Does not result in a net increase in the number of drive-through lanes serving the primary use; and The Public Works Department determines that vehicle stacking will not impede pedestrian or vehicular movement within the right-of-way, and that the facility will not impede vehicle or pedestrian visibility as vehicles enter the sidewalk zone; and The vehicular access lanes will not be located between the street and the buildings and the configuration of the facility and lanes is generally perpendicular to the street; and Any replacement drive-through facility is reviewed and approved pursuant to Chapter 142 KZC for compliance with the following criteria: <ol style="list-style-type: none"> The design of the vehicular access for any new drive-through facility is compatible with pedestrian walkways and parking access. Disruption of pedestrian travel and continuity of pedestrian-oriented retail is limited by minimizing the width of the facility and associated curb-cuts. 2. Unless this use existed on the subject property prior to January 1, 2004, Banking and Financial Services may not be located within the 30-foot depth (as established by General Regulation 3) on the street level floor of a building fronting on Park Lane and Lake Street.

Section 50.12

Zone
CBD-1A,
1B

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 50.12	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.030	Hotel or Motel	D.R., Chapter 142 KZC	None	0'	0'	0'	100%	CBD 1A – 45' above each abutting right-of-way. CBD 1B – 55' above each abutting right-of-way.	D	E	One for each room. See Spec. Reg. 2 and KZC 50.60.	<ol style="list-style-type: none"> The following uses are not permitted in this zone: <ol style="list-style-type: none"> Vehicle service stations. Vehicle and/or boat sale, repair, service or rental. Drive-in facilities and drive-through facilities. The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis.
.040	Entertainment, Cultural and/or Recreational Facility									B	See KZC 50.60 and 105.25.	
.060	Private Club or Lodge									D	One per each 350 sq. ft. of gross floor area. See KZC 50.60.	
.070	Office Use									A	1.7 per unit. See KZC 50.60.	
.080	Stacked or Attached Dwelling Units									B	See KZC 50.60 and 105.25.	
.090	School, Day-Care Center or Mini School or Day-Care Center									B	See KZC 50.60 and 105.25.	

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(Revised 3/09)

Section 50.12

Zone
CBD-1A,
1B

USE ZONE CHART

Section 50.12	 REGULATIONS 	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
			Front	Side	Rear							
.100	Assisted Living Facility	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	CBD 1A – 45' above each abutting right-of-way. CBD 1B – 55' above each abutting right-of-way.	D	A	1.7 per independent unit. 1 per assisted living unit. See KZC 50.60.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility: a. One parking stall shall be provided for each bed.
.110	Public Utility, Government Facility, or Community Facility								D See Special Reg. 1.	B	See KZC 50.60 and 105.25.	1. Landscape Category B or C may be required depending on the type of use on the subject property and the impacts associated with the use on nearby uses.
.120	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										



DEVELOPMENT STANDARDS

DRV13-00192

PLANNING DEPARTMENT

PLANNING DEPARTMENT

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.

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.

95.52 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 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.

105.65 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.

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.

115.95 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.

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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.

BUILDING DEPARTMENT

You can review your permit status and conditions at www.kirklandpermits.net

Building Division Conditions

Permit #: DRV13-00192

Project Name: lake Street Place Phase 1

Project Address: 150 Lake Street S

Date: March 6th 2013

Building Department Staff Contacts

Pre-Submittal Process:

Tom Radford Building Plans Examiner

Phone: 425-587-3618 Fax: 425-587-3651

E-mail: tradford@ci.kirkland.wa.us

General Conditions:

1 This project will be subject to Building Department fees. At the pre-application stage, the fees can only be estimated. It is the applicant's responsibility to contact the Building Department by phone or in person to determine the fees. The fees can also be reviewed at the City of Kirkland permit web site; www.kirklandpermits.net. See the fee tab. The applicant should anticipate the following Building Department fees:

- o Intake Fee (paid at application of a Building Permit)
- o Inspection Fee (paid with the issuance of a Building Permit)
- o Plumbing, Mechanical and Electrical, Intake and Inspection Fees
- o Land Surface Modification (Grading), Intake and Inspection Fees

2. There may be additional development fees due the Planning and/or the Public Works Departments. It is the applicant's responsibility to contact the Planning and Public Works Departments by phone or in person to determine the fees.

3. Plumbing meter and service line shall be sized in accordance with the current UPC. We are currently using the 2009 edition.

Structure:

4. Building permits must comply with the International Building, Residential and Mechanical Codes and the Uniform Plumbing Code as adopted and amended by the State of Washington and the City of Kirkland. Kirkland currently has adopted the 2009 editions. (Use this link to access Washington State Amendments). 2012 editions will be adopted July 1st 2013.

5. Structure must comply with Washington State Energy Code. We are currently using the 2009 edition and will use the 2012 code after July 1st, 2013.

6. Kirkland reviews, issues and inspects all electrical permits in the city.

7. Structures must be designed for seismic design category D, wind speed of 85 miles per hour and exposure C.

8. Nonstructural components must be designed for seismic design category D, wind speed of 85 miles per hour and exposure C. The use of ballasted sleds for mounting antennas is not permitted by current code. ASCE 7 - 05 chapter

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13.4

9. If an accessible elevator is required - standby power is also required. Separate service and/or a connection ahead of service disconnect are not approved means of achieving standby power in Kirkland. See IBC 1007.2 and 1007.4

10. The applicant is cautioned to investigate the implications of the Americans with Disabilities Act on the construction of this project. For more information the applicant may contact Mr. James Raggio, Office of the General Counsel, Architectural and Transportation Barriers Compliance Board, 1111 18th Street, N.W., Suite 501, Washington, DC 20036, Ph# (800) 514-0301.

11. Twenty percent, but not less than one, of the portion of patient and visitor parking spaces serving rehabilitation facilities specializing in treating conditions that affect mobility and outpatient physical therapy facilities shall be accessible. WA State amendments to IBC section 1106.4

12. A building code summary worksheet must be submitted with the building permit application. (Copy attached and an electronic copy is available).

13. A no-build easement will be required due to proximity to property line on the North side.

FIRE DEPARTMENT

FIRE DEPARTMENT CONDITIONS

Contact: Grace Steuart at 425-587-3660; or gsteuart@kirklandwa.gov

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.

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.

A sprinkler system is required to be installed throughout the building. The system shall be designed and the plans stamped by a person holding a Washington State Certificate of Competency. The system shall be installed by a state licensed sprinkler contractor. A standpipe system is also required; it may be incorporated into the fire sprinkler system.

A fire alarm system is required.

Portable fire extinguishers are required throughout the building.

PUBLIC WORKS DEPARTMENT

PUBLIC WORKS CONDITIONS

Permit #: DRV13-00192

Project Name: Mcleod Lake Street Mixed Use - Phase I

Project Address: 118 Lake Street South

Date: March 4, 2013

Public Works Staff Contacts

Land Use Process

Rob Jammerman, Development Engineering Manager

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

E-mail: 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

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.kirklandwa.gov

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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 reviewed on the City of Kirkland web site at 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 Project has applied for and received Transportation Concurrency..
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. Provide a construction parking plan prior to issuance of a Building Permit.
6. 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.
7. 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 engineer's stamp.
8. 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).
9. A completeness check meeting is required prior to submittal of any Building Permit applications.
10. 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.

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 Department's requirements.

Surface Water Conditions:

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. 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.

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3. All roof and driveway drainage must be tight-lined to the storm drainage system.

Street and Pedestrian Improvement Conditions:

1. Phase I of this project abuts Lake Street (an Arterial). 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. The existing street improvements in front of phase I were just replaced a few years ago and no upgrades are required with this phase of the project.
- B. The on-street parking must be maintained.
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. 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.

Jon Regala

From: Rick Aramburu <rick@aramburu-eustis.com>
Sent: Friday, April 19, 2013 2:52 PM
To: Jon Regala; 'Dr. and Mrs. Brian Rohrback'; 'Cathy Betz'; daledvorak@juno.com; hollingsent@msn.com; 'Sandi Hart'
Subject: RE: Lake Street Place Phase I - revised drawings

Follow Up Flag: Follow up
Flag Status: Flagged

Jon:

Thank you for providing the applicant's revised drawings and other information. The revisions are insufficient to meet the DRB's comments from March 18, not the least of which because they do not address the serious parking deficiencies inherent in the current plan.

For our part, we will probably wait to see your staff report (which I think is due two weeks before the meeting) before deciding about the timing of additional comments.

May we expect the staff comments on the recent submissions on Monday?

Rick

J. Richard Aramburu
ARAMBURU & EUSTIS, LLP
720 Third Avenue
Pacific Building Suite 2112
Seattle, WA 98104-1860
Telephone (206) 625-9515
Facsimile (206) 682-1376

This message may be protected by the attorney-client and/or work product privilege. If you received this message in error please notify us and destroy the message. Thank you.

From: Jon Regala [<mailto:JRegala@kirklandwa.gov>]
Sent: Thursday, April 18, 2013 11:35 AM
To: Dr. and Mrs. Brian Rohrback; Cathy Betz; 'rick@aramburu-eustis.com'; 'daledvorak@juno.com'; 'hollingsent@msn.com'; Sandi Hart
Subject: Lake Street Place Phase I - revised drawings

Dear Parties of Record,
Attached are the revised drawings and project description for the upcoming May 6th DRB meeting on this project. If you would like to submit written comments to be included with the DRB packet, please email me your comments by 5 p.m. Wednesday, April 24. Otherwise, feel free to submit any written comments and/or speak at the meeting on the 6th.

Thanks.
-Jon

Jon Regala, Senior Planner
City of Kirkland Planning Department
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Kirkland, WA 98033
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