



CITY OF KIRKLAND
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
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MEMORANDUM

DATE: APRIL 16, 2015

To: HOUGHTON COMMUNITY COUNCIL

FROM: JANICE COOGAN, SENIOR PLANNER
PAUL STEWART, AICP DEPUTY DIRECTOR

SUBJECT: TRANSIT ORIENTED DEVELOPMENT PROJECT AT SOUTH KIRKLAND PARK-
FOLLOW UP

At the March 23, 2015 Houghton Community Council (HCC) meeting staff responded to previous questions and concerns regarding the Transit Oriented Development (TOD) project at the South Kirkland Park and Ride (SKPR). The majority of concerns expressed by the HCC are related to the design of Polygon Northwest's Kirkland Crossing building not Imagine Housing's Velocity building. Please refer back to your [March 23, 2015 meeting packet](#) for a copy of the Design Response Conference (DRC) decision and approved plans approved by the Design Review Board (DRB) and Design Guidelines for the Yarrow Bay Business District.

This memo includes responses from staff and discussions with Eric Evans with Polygon (now Shelter Holdings) and the project manager Mindy Black to address your concerns and questions.

At the March meeting, the HCC brought up additional concerns and questions for staff and Design Review Board (DRB) member Scott Reusser. Mr. Reusser responded to several questions by the HCC. He presented both with his opinion about the final project as well as the DRB's perspectives and described the review process the Board went through. Overall he indicated he was pleased with the final outcome of the entire TOD project with a few specific exceptions (size and amount of landscaping; color contrast and Gateway tower feature).

The (HCC) expressed concerns that the completed project does not reflect its expectations of the schematic plans the HCC saw during the development of the Design Guidelines and Zoning Code regulations (especially regarding the upper story setbacks; building materials near the Gateway area and contrast in colors).

The HCC requested an explanation why the project is different than what it expected. Especially, with the upper story modulation, and some of the final materials and their application. The HCC requested to know what had changed and what could be done to

address the HCC's concerns if the final design of the project does not match the approved Design Review Board decision. Both buildings have received a Certificate of Occupancy.

The Houghton Community Council's concerns can be grouped into two categories, summarized below and addressed in more detail in the remaining portion of this memo:

- 1) Design elements of the project do not meet what the Council expected or differ from the approved design review plans and the completed project in the areas of upper story setbacks (especially above the Gateway area), certain building materials, gateway tower design, type of landscaping, paint colors, signage, and balconies(see more detailed discussion below). Changes or modifications were made to the project between DRB approval and the final inspection which are described below. The HCC wants to know what options or approaches the City has to request or require the developer to make changes to respond to the concerns.
- 2) Procedural or design review process changes that could be made to improve communication between the Houghton Community Council, Design Review Board and staff for future projects subject to design board review.

1. Design Issues

Specific design issues raised by the Houghton Community Council are outlined below along with a response. Note that some modifications to the building were made between the design review approval, building permit review phase and construction of the project.

A. Issue: Upper story setbacks are not what was expected based on what is described in the building scale and massing guidelines section of the Design Guidelines for the Yarrow Bay Business District YBD 1 zone -

Response: Staff went into detail in the memo for the March meeting regarding how the Guidelines and Zoning Code regulations address upper story setbacks. Please refer to the March 23rd packet.

In summary, the YBD Design Guidelines provide guidance on building scale, massing, modulation and how the gateway area should be designed (copy included in 3/23/2015 packet). The YBD 1 Use Zone Chart, Special Regulation 10 and Plate 35 establish requirements for how the upper story setbacks above the second story (within 40 ft of NE 38th Pl and gateway; an average 15') should be calculated and measured from the property line not lower level floors. This same methodology for calculating upper story setbacks for the YBD is applied in the Central Business District.

One of the issues that may have affected how the upper stories were calculated and measured was the amount of open space between buildings. Plate 35 establishes how to calculate upper story setbacks in the zone. It states that portions of the site without buildings such as vehicular areas are not included in the calculation. There are open

spaces between the buildings at the public pedestrian walkway and at the interior courtyard. Special regulation 10 states that the upper story setback may be measured along the street prior to right of way dedication or the old property line.

Early on during the Design Review Board review, the architect asked staff if they could utilize the 30' wide through block public pathway (and entrance to the garage) and opening between the buildings near the interior courtyard as part of the average setback calculation. The Planning Director and staff agreed with the request and their interpretation of the application of the KZC Section 56.10.010 Special Regulation 10 and Plate 35.

During the design review process staff did lay out all the Design Guideline requirements including the required upper story setbacks. The DRB discussed and approved the building's scale, modulation, color and materials at the corner of NE 38th Pl and 108th Avenue NE and design of the gateway plaza. The DRB concluded the project's use of four vertical sections of the market rate building along the east and west elevations, building materials, colors, balconies and varied roof forms helped to meet these mass, scale and modulation Guidelines. The Board agreed to the final design for the Gateway plaza (located within the City of Bellevue city limits). In the future, any proposed code regulation or design guideline should be clear on what the standard is.

B. Issue: Wood composite laminate panels on the building façade are different than shown in the approved DRC plans-

Response: The finish of the composite phenolic wood panel is different than what the DRB approved. While the manufacturer is the same and color is similar to what was approved, the wood grain design is not. This change to wood grain was not known by staff or the applicant until it was installed near final inspection. According to the architect, the finish shown in the DRC plans was discontinued by the manufacturer and therefore, a substitute closest in color, was agreed to and installed. The product and manufacturer are the same as originally proposed. The developer has indicated that any treatment (e.g. painting) would potentially void the warranty for the material and is not willing to replace the composite phenolic wood panel material on the building.

C. Issue: Color of paint of the building façade at the Gateway area is different than shown in the approved DRC plans-

Response: According to the architect, the contractor made a mistake in painting and is in the process of correcting the painting of the building above the Gateway area. It will be painted the darker color shown in the approved DRC plans.

D. Issue: Gateway tower is different in color and material than shown in the approved DRC plans-

Response: The material details of the Gateway tower are different than shown on the approved DRC plans. At the building permit review stage, the architect requested and staff approved a change in material for the Gateway tower from a wood composite material to a cement fiber material painted grey. The reason for the change was to provide a better transition between the corner wood composite and the painted dark paneling and there was concern that cutting the laminated veneer into strips would cause it to delaminate. The architect has requested the contractor to reinstall the planks at the upper portion of the Gateway tower so that there is a gap spacing of 1-1/2" spacing.

E. Issue: Brick material is eliminated on deck columns near the Gateway area-

Response: The bricks along the base of the building at the Gateway area shown on the DRC plans were eliminated with the building permit application. The architect indicated the bricks were eliminated once final structural column sizing was confirmed due to a concern that the columns would appear too wide if they were also clad in brick. Also, the thinking was eliminating the brick at the Gateway retail columns would be consistent with the DRC approval of the exposed concrete columns along the NE 38th PI street retail area. Planning staff approved the material change with the building permit review.

F. Issue: Landscaping is smaller in size and coverage than expected-

Response: The DRC perspective plans showed more mature landscaping to screen the base of the buildings and parking garage. The renderings illustrated landscaping at 5-10 year maturity. Staff reviewed the landscape plans for size and variety of plants shown on the DRC landscape plans, with the building permit and at final inspection. The plans and installation met the City's minimum size requirements, but it is clear that the plants may not achieve the desired screening results for many years.

Concerns were raised from staff, DRB member Reusser, and the HCC regarding the small plants installed not adequately screening the base of the concrete walls along NE 38th Place and the Gateway Plaza.

Based on a field inspections conducted by the developer/architect/contractor team, undersized landscaping was installed contrary to the specifications in the permit plans in several areas due to plant size availability. The development team has agreed to replace undersized landscaping with larger and additional plants in the Gateway Plaza and SW retaining wall of the Gateway along 38th Place and 108th Ave NE to fill in gaps.

Five additional tall trees will be planted to soften the amount of exposed concrete walls (one in front of each column at the base of the concrete walls at the Gateway area and

one adjacent to the sprinkler room along the street). Tree varieties will be either Spire Cherry or Starlight Dogwood at a minimum of 2.5 inch caliper. Additionally three Italian Cypress have been added along the concrete walls at the sprinkler room and base of the courtyard access stairs.

G. Issue: Style and illumination of signs are not what was expected-

Response: Members of the HCC expressed that they didn't like the design of the signs that were installed, especially the one on the Gateway tower, and thought internally lit signs were prohibited.

As part of the design review process, the applicant submitted schematic plans describing the location and type of signs planned for the retail and residential uses. The conceptual plans showed a combination of vertical signs, wall mounted, under canopy signs, monument sign and a single letter "E" on the Gateway tower feature.

Throughout the design review process there was no expectation that the "single E" or another letter would be the final design for the sign and that the "E" was simply a placeholder to indicate future sign placement. The DRB typically reviews and discusses general sign placement relative to the building design but, because project names, building tenants, and final sign details are not known at this stage of the development, the actual signs are reviewed later by staff.

KZC YBD 1 Special Regulation 15 requires a Master Sign Plan be reviewed and approved. The Design Guidelines and KZC Chapter 100, while they do prohibit internally lit cabinet signs in this zone, they do not prohibit illuminated signs.

A Master Sign Plan was approved by the Planning Director on August 11, 2014. The Master Sign Plan approved signs for the Kirkland Crossing based on the different residential and retail uses and whether the signs needed to be visible for the vehicle or for the pedestrian at street level.

The types of signs approved include: wall mounted signs, channel letters (allowed on the Gateway tower), pedestrian oriented wall mounted sign at the corner gateway, for the retail uses: under canopy, awning, blade and individual channel letters. The approved sign plan specifies which signs may be illuminated with a "halo" back lighting or not, and sets a specific design theme that must be met as new signs are proposed over time. As retail tenants arrive and new sign permit applications are submitted, planners will review the sign permit for compliance with the Master Sign Plan. One suggestion for possible amendment to the Design Guidelines would be to require DRB review of major sign elements/locations/materials.

H. Issue: Flat roofs are not what was expected-

Response: Design Guidelines for YBD 1 describe that roof forms should be varied, attractive and flat roofs discouraged. Where flat roofs are used details such as eaves, cornices or articulation elements should be used to provide interest at the ground level. The Board approved a combination of alternating angled and flat roof design. Angled roof sections are painted under the eave. Where there is a flat roof section, a metal perforated screen eave is provided.

I. Issue: Balconies are smaller than expected-

Response: A modification to the size of balconies was requested by the architect and approved by staff during the building permit review phase. Based on the advice from the balcony fabricator, the balconies needed to be pulled in closer to the building as a two-way cantilever could not be provided. The architect requested that the decks be pulled back so they could be fully supported from the building with no added external structure.

J. Issue: Amount of retail is less than originally proposed-

Response: There is no specific amount of retail required for the project. ZKC Section 56.10.010 Special Regulation 5, requires at least 50 percent of the linear frontage of the ground floor along NE 38th Place to include commercial uses such as retail, services including restaurants, tavern, banking or financial services, school daycare and other uses. Other than these general land use categories, staff does not have the authority to mandate what type of tenant moves in. There are minimum depth and height requirements also for commercial uses.

During the design review phase the amount of commercial uses proposed ranged from 10,000 to 6,000 sq. ft. The amount of commercial shown on the building permit plans is 6,721 sq. ft. along NE 38th Place and along the gateway plaza. Staff will monitor for compliance to these zoning requirements as tenant improvements are submitted.

K. Issue: Modifications to design elements-

Response: Plans provided at the Design Response Conference are somewhat preliminary in that full construction drawing and engineering has not occurred. As such, it is common for minor changes to be made between the design review approval and building permit application phase. Modifications to approved DRC plans are allowed. As described below, Zoning Code Section 142.50 establishes criteria to evaluate if a modification should be approved administratively or return to the Design Review Board for a decision.

- a. The need for the modification was not known and could not reasonably have been known before the Design Review was granted;*

- b. The modification is minor and will not, in any substantial way, change the proposed development or violate any requirement imposed by the Design Review Board. The Planning Official may consult with the Design Review board in his/her decision;*
- c. The development that will result from the modification will be consistent with the design regulations, design guidelines, and Comprehensive Plan.*
- d. If the modification does not meet the above criteria, it must be reviewed and decided upon as a new design review approval.*

In evaluating proposed changes, staff looks at this criteria to the degree that a design element was discussed by the Design Review Board to determine if a change should be approved administratively or returned to the Board for consultation.

In most cases throughout the building permit review stage, the architect consulted with staff to request a change and staff approved them administratively. Staff believed the modifications were administrative in nature and not necessary to return to the Board for a decision. Staff also consulted with the supervisor and the Planning Director before making a decision. The composite phenolic wood panels were one example where staff was not consulted about the change in finish however the product remains the same as presented to the DRB.

2. Procedural or Process Changes

The Houghton Community Council asked staff to explore what approaches the City has to require the Developer to change building materials or other aspects of a building that do not match what was approved by the DRB or they do not like, such as the wood composite panels or lack of brick at the columns at the Gateway. As mentioned above, staff met with the developer and architect and so far they are not willing to change the composite/veneer material or add brick material to the columns. At this point it would be difficult to expect the developer to make these changes especially if the modifications were approved by staff. Both buildings have received certificate of occupancy.

Regarding Houghton Community Council's concerns about how they could have been more involved in the review process there are several suggestions that were brought up and could be explored:

- The Houghton Community Council could be more involved in the DRB process. A member of the HCC could attend DRB meetings. For example, John Kappler did attend a few of the DRB meetings. Staff provided briefings of the project to the HCC during the review process.
- Members of the DRB could do a walk of the project prior to final inspection to discuss how the project is progressing.