

# **KIRKLAND DESIGN REVIEW BOARD MEETING MINUTES – AUGUST 1, 2005**

## **CALL TO ORDER/ROLL CALL**

The meeting was called to order at 7:00 p.m. by Chair Todd Kilburn. Members Present: Carter Bagg, Brian Berg, Steve Cox, Paul Duffy, Eric Shields, Phyllis Warman. Member Absent: Kevin Oremus. Jon Regala and Jeremy McMahan represented the Department of Planning and Community Development. The City's Special Legal Counsel, Rod Kaseguma, was present.

## **READING APPROVAL OF MINUTES**

**Motion by Mr. Berg and second by Ms. Warman to approve the Kirkland Design Review Board Meeting Minutes of April 21, 2005 with an amendment on page 13 under Administrative Reports – Remove the sentence, “She added that members risk possible removal from the Board if absences are more than three.”**

**Motion carried (6-0).**

**Motion by Mr. Berg and second by Ms. Warman to approve the Kirkland Design Review Board Meeting Minutes of May 19, 2005 as presented. Motion carried (6-0).**

**Motion by Mr. Berg and second by Ms. Warman to approve the Kirkland Design Review Board Meeting Minutes of June 6, 2005 as presented. Motion carried (6-0).**

**Motion by Mr. Berg and second by Ms. Warman to approve the Kirkland Design Review Board Meeting Minutes for June 27, 2005 as presented. Motion carried (6-0).**

**ANNOUNCEMENT OF AGENDA:** Mr. Kilburn reviewed the agenda.

**REQUESTS FROM THE AUDIENCE:** None.

**UNFINISHED BUSINESS:** None

## **DESIGN RESPONSE CONFERENCES**

### **a. Almond Condominiums – File No. DRC04-00004**

Mr. Regala provided background information on the project, highlighting major milestones over the last few months, including denial of the application and subsequent appeal hearings. He reviewed changes to the applicant's proposal since the last meeting:

- A 15' wide buffer planted with Leland Cypress trees along the south property line.
- Meander in the main driveway
- Reconfigured buildings so they are modulated

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- Buildings along the north property line set back 5' to the south resulting in reductions in grading and retaining wall heights
- Replacement of 12 significant trees to be removed with 12 3-to 5" diameter Douglas Fir trees to mimic the grove.

Mr. Regala explained that by the end of the evening, the Board should have enough information to provide feedback to the applicant on the project based on applicable design and zoning standards, for a final decision at the August 15, 2005 Design Review Board meeting.

Rod Kaseguma, the City's Special Legal Council, discussed conflicts between comprehensive plan policies, landscaping regulations and zoning regulations. Mr. Kaseguma distributed a document containing language from the comprehensive plan and the landscaping and zoning regulations, and summarized the documents for the board, focusing on Open Space and Landscaping, Landscape Buffer and Scale.

Mr. Berg said in his experience as a design expert, when two zoning regulations conflict, typically the more restrictive regulation is the prevailing regulation. He asked why in this case the zoning regulation, being more restrictive, is not the prevailing regulation. Mr. Kaseguma explained that the comprehensive plan and regulations were created at different times. The comprehensive plan was created as a general planning guide, and the regulations are implementation-driven. The conflict came into play potentially when the same buffer regulation was created in error for commercial, single family and multi-family. Zoning codes were not updated, as they should have been to be customized to each area.

Jon Nelson, D.R. Horton, presented drawings and site plans to illustrate the proposed changes to the project design described above. The board studied the proposal and asked the applicant clarifying questions about the changes.

Mr. Kilburn invited members from the audience to come forward to speak on the project.

Margaret Carnegie, 11259 126<sup>th</sup> Avenue NE, Kirkland, read her letter to the board stated her appreciation for all of the work the board has done in considering the larger Kirkland community while reviewing this application. She praised the board for retaining the buffer and encouraging a tree screen. She stressed that the tree screen should contain trees that are evergreen and fast growing. She also suggested that the units be smaller, requiring a smaller footprint. She said the builder states that the units are "affordable", but unless children will be living in the complex, thinks 3-bedroom units are not necessary. In addition, if there are children living in the complex, a play area should be included to avoid them playing on the busy roads surrounding the complex. She said neighbors to the east will be negatively impacted because they will overlook a parking lot rather than the present greenbelt. She suggested that the parking be built "green" with an impervious surface. She said the garbage pickup site for the Almond property will negatively affect neighbors to the east because they will hear noise from the

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garbage trucks, and the location is inconvenient to Almond property residents. Finally, traffic back ups are an issue on the streets surrounding the property.

Douglas Kottke, 11267 126<sup>th</sup> Avenue NE, Kirkland, requested an 8–10' fence rather 6'. He said the current location of the bench intrudes into his backyard.

Jim McCarey, 12907 NE 78<sup>th</sup> Place, Kirkland, brought up the conflict between the North Rose Hill Plan and the zoning code. NRH4.2 states that as many trees as possible should be preserved, and NRH4.3 talks about protection of notable trees and groves of trees. The zoning code states that the applicant shall retain significant trees to the greatest extent possible. It also says the applicant should not be caused economic hardship by doing so. However, things are being done out of order, and the applicant should retain the trees as the plan states and then address economic hardship. He suggested steps to accomplish that:

- 1) Lay out the property for maximum tree retention; and
- 2) Then apply the restriction of the policy on the City.

Mr. McCarey said the Design Review Board has the power to enforce this procedure, and whatever precedent is set will apply in the future to other Kirkland properties. He said the comprehensive plan should be adhered to, and it is not the neighbors' or the city's responsibility to make sure the developer makes a profit on this property.

Judy Brown, 12412 NE 112<sup>th</sup> Place, Kirkland, said when she purchased her property, the adjacent property was zoned Professional Office. She said she had discussed with the Design Review Board many times why the zoning was changed to allow affordable housing. She said tree retention is important, and it is defeating our purpose if the developer must tear down all of the trees to make a profit. She asked the board to go back to the original zoning. She said if trees are removed from the current grove the rest of the grove will die.

In response to Mr. McCarrey's concern about the conflict between the comprehensive plan and the zoning code, Mr. Kaseguma reviewed the zoning code language that states the City may require minor alterations in the arrangement of buildings and other elements of the proposed development in order to achieve maximum retention of significant trees. The City may not require an alteration which will result in a significant added expenditure to the applicant or decrease in the number of units or bulk of structures permitted.

Ms. Warman commented that the Design Review Board's hands are tied if an applicant can simply state that an alteration will cost too much.

Mr. Cox said in theory there are ways a developer could design a complex so the square footage of units and number of units remained the same but with a different look. This site could be designed to preserve the groves of trees and meet the design standards that the board, the City and neighbors are requesting, but it requires a change to the site plan offered at this time.

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Mr. McMahan said the board can decide tonight if more information from the applicant is necessary that would reflect an alternate site plan, include additional expenditures, specify the number of units, indicate if the changes are considered minor or not, etc.

Mr. Kaseguma said the board could request a change such as preserving the grove in the site plan, but must be able to prove that is a minor alteration to the plan. If the applicant does not agree to do it, we cannot force them.

Ms. Warman said the applicant has made an effort to address the buffer issue. The trees proposed are fast-growing conifers, but was concerned that the Douglas Fir would not fit in the space allowed with the Leland Cyprus hedge. The trees would have to be removed in a few years because they will encroach on the building and the Cyprus. She suggested that if Ms. Carnegie is concerned about the effect of the applicant's choice of trees on her own property that she should obtain her own arborist report and work with the City as needed.

The applicant indicated a willingness to choose an evergreen tree for the east side of the property that could be trimmed, topped, hedged or otherwise maintained as part of the landscape program.

The board discussed the following issues:

- Park bench – sufficient screening
- Options to save the grove of trees
- Design options – ways to increase the value of the buildings proposed by building something nicer
- Obstacles to making another design work – parking requirements and design logistics surrounding the proposed option of carriage houses

The board provided the applicant with a list of items to be addressed at the next meeting:

1. Floor plan that shows, in detail, the building modulation and articulation. Modulation of the building should be 2-3'
2. Presentation board containing building material samples
3. Site plan showing setback distances
4. Site plan showing adjoining buildings on adjacent properties
5. Revised landscape plan that shows replacement Douglas fir trees in locations that allows for future sustainability
6. Revised landscape plan that shows the correct parking lot landscape layout. Several landscape islands were missing from the August 1, 2005 drawings
7. Revised landscape plan that breaks up the carports with additional landscaping
8. Parking lot landscaping calculations that show compliance with the following standard:
  - a. The parking lot must contain 25 square feet of landscape area per parking stall planted as follows:
    - i. At least one tree shrub for every six parking stalls

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- ii. At least one shrub of every 20 square feet of landscape area. Up to 50% of the shrubs may be deciduous.
  - iii. Groundcover shall be selected and planted to achieve 90% coverage within two years.
- 9. Perspective drawing looking down entry drive from 124<sup>th</sup> Avenue NE
  - 10. Lighting plan
  - 11. An east/west cross section that should include residences east of the subject property as well as existing trees on the properties south of the subject property.

**Motion by Mr. Berg and second by Mr. Cox second to continue the meeting to August 15, 2005. Motion carried (6-0).**

**ADMINISTRATIVE REPORTS AND DRB DISCUSSION:**

Mr. Berg remarked that the City sends the wrong message when neighborhood plans are developed and then the zoning codes prevail as if the opinions of the residents of these neighborhoods don't matter. He asked if the board could have some dialog with the City Council to discuss the message that is being sent and whether this approach is appropriate. Mr. Shields said a discussion like that should happen. He explained that the Council makes the decisions it does because of the legal implications of zoning regulations, not because we don't want to honor the opinions of the residents.

Some of the board members felt that the case of the Almond Condos raised questions about the board's role in making an impact regarding good design or impacts on neighbors. Mr. Shields said that is another subject to discuss with the Council at the joint meeting.

**COMMENTS FROM THE AUDIENCE:** None

**ADJOURNMENT**

**Motion by Mr. Cox and second by Ms. Warman to adjourn the meeting at 9:30 p.m. Motion carried (6-0)**

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Todd Kilburn, Chair  
Kirkland Design Review Board

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Eric Shields, Director  
Department of Planning and Community Development

Recording Secretary: Susan Hayden  
PROFESSIONAL OFFICE SERVICES