

CALL TO ORDER/ROLL CALL

The meeting was called to order at 7:06 p.m. by Chair Todd Kilburn. Members Present: Carter Bagg, Brian Berg, Steve Cox, Paul Duffy (arrived 7:16 p.m.). Members Absent: Kevin Oremus, Eric Shields, Phyllis Warman. Jon Regala and Jeremy McMahan represented the Department of Planning and Community Development. Also present was Rod Kaseguma, City of Kirkland Legal Counsel.

READING APPROVAL OF MINUTES: None

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 announced the continuation of the Design Response Conference that began on Monday, August 1, 2005 as a result of a remand by City Council. At the last meeting, the board asked the applicant to address the requested changes August 15; however, the applicant requested that the due date for the requested changes be today, August 22. Mr. Regala stated that staff recommends the DRB move to 1) approve the project as proposed; 2) modify and grant approval; or 3) deny the application.

Jon Nelson of D.R. Horton, presented a slide show of site plans to illustrate the proposed changes. Color and material sample boards for the buildings were also available.

Douglas Kottke, 11267 126th Avenue NE, Kirkland, spoke about the bench and lack of trees being provided to block the bench from his view. He asked for a solid 8-10' line of trees with no opening for the bench to be put in as a screen. Right now the design is proposed as a 6' fence with an opening for the bench.

The board discussed Mr. Kottke's request with the applicant and asked why the screen had to be a fence and why the gap for the bench had to be there. The applicant said they could run the trees along the area instead of a fence. At some point in the future a bench could be added on the other side of the trees where Mr. Kottke would not have to look at it.

KIRKLAND DESIGN REVIEW BOARD MEETING MINUTES: AUGUST 22, 2005

Judy Brown, 12412 NE 112th Place, Kirkland, was concerned about the grove of trees. The plan says they can take out all of the trees but 25%, which leaves only four trees. She said the original determination was probably based on a parcel that had a lot of trees, and asked if it were possible to retain more than four. This would add a lot for the property and provide a place for kids to play. She added that the change made to the windows is good because the new residents would not look directly into her house.

Mr. Kaseguma explained that there are two types of provisions that relate to significant trees. One exists in the comprehensive plan and another in the zoning regulations. The zoning regulations must be in effect if they conflict with the comprehensive plan. The applicant needs to preserve significant and notable trees, but does not have to make major alterations from the original proposal for the sake of the grove of trees. Also, the applicant does not have to undertake significant expenditure nor is required to lose a bulk of the project to save the grove of trees. The changes requested of the original proposal can only be minor changes.

Ms. Brown asked if the property wasn't originally zoned Office. Mr. Regala said yes, but when the North Rose Hill Neighborhood Plan update came about the zoning changed introducing residential uses to the area.

Mr. Berg said if the property was developed as an office building instead of residential the grove might be lost. The grove of trees is not covered in the neighborhood covenant because of the conflict in zoning. Mr. Kaseguma said if a proposal eliminates the grove, the Board does not have a lot of power to change it.

Mr. Kilburn said there have been a number of meetings surrounding this issue. The board denied the application because of the grove of trees, but the Council remanded it. He explained that the board doesn't have the grounds to reject it again. He noted that the applicant did address many of the board's concerns, and the revisions did add trees back in.

The board reviewed the site plan, briefly discussed issues of modulation and setbacks, and reviewed the list of changes to see if they meet the Board's expectations.

Mr. Berg questioned what the backs of the buildings look like to the neighbors that face them. In the spirit of providing more privacy to the neighbors, he wondered if there would be enough articulation in the rear elevation if the windows were removed.

Regarding Building 8, Mr. Bagg suggested smaller windows in the front, perhaps higher up to let in some light, but still providing privacy to the neighbors. He also suggested making the windows different sizes for some variation.

Mr. Cox supported modification for smaller windows, as there needs to be added variety.

KIRKLAND DESIGN REVIEW BOARD MEETING MINUTES: AUGUST 22, 2005

Mr. Kilburn said that the applicant did a nice job with landscaping in providing specific calculations.

Mr. Berg suggested putting a row of smaller trees in the back around Building 6 to make up for the grove of trees lost.

Mr. Cox said that after all of the hours the Design Review Board has spent deliberating, the project could not be less creative, interesting or about open space. It does not provide an appropriate response along 124th or to the neighborhood. He thought the site plan was unsatisfactory and didn't contribute to the quality of the area.

Mr. Kilburn said there is no way to get beyond these issues, and the applicant has not made significant changes to the site plan. Conceptually, the "new" site plan is no different than the one the applicant brought in at the beginning. He said the board must move forward or have a good reason to reject it and the grove of trees is not reason enough.

Mr. Cox didn't think that alternatives had been explored. He didn't think the trees needed to be removed in order to place buildings on the site. He said that creating some open space would avoid the monotony and result in a significant change without a significant expense. Good design using the same number of units, but different units, and creating a better environment would add value to the property and is a good investment. He said the applicant has not accurately represented the difficulty of the code or cost implications. The design review process is put in place through regulations, and its purpose is to further the goal of the design guidelines. He said the Board is being told it can't control these things and he doesn't believe that is true.

Mr. Bagg said the legal limitations the applicant is adhering to revolve around the concept of the stacked flat cubes. He wanted the applicant to move off of the cube idea. He asked if the Design Review Board had the authority to enforce this change.

Mr. Kaseguma said he was not familiar with the design guidelines, but Mr. Regala searched the code requirements for language that dictates a required minimum number of building units or those force the applicant to combine buildings to create open space. There is no language that states this; therefore, the Design Review Board doesn't have the authority to enforce such requirements.

Mr. Berg said he thought it was the Design Review Board's responsibility to interpret those things in the design guidelines that aren't clearly spelled out.

Mr. McMahan said that in looking at guidelines and regulations this project does comply, and beyond enforcing those regulations the Design Review Board is overstepping its authority. He noted that in the downtown area, the board has more discretion.

Mr. Regala said that in looking at the comprehensive plan policies for the neighborhood the Design Review Board has discretion regarding issues such as window treatments,

KIRKLAND DESIGN REVIEW BOARD MEETING MINUTES: AUGUST 22, 2005

bulk, and mass, screening issues, and impacts on the surrounding neighbors. However, any recommendations made by the Board needs to be backed up with comprehensive plan policy and zoning regulations.

Mr. Berg said the site is constraining, but the applicant has not tried to work with the important elements and uniqueness of the site by doing things like trying to work around the grove of trees.

Mr. Cox responded that it is a difficult site to work with when one is trying to put large, stacked, cookie-cutter flats on it and prioritizing vehicular circulation over everything else on the site. The applicant is making the site more difficult to work with by imposing a large number of units, rather than a park-like front with fewer units. Perhaps a different number of units and layouts could be explored. There are a lot of design possibilities.

Mr. Kaseguma said that if the project is denied, there will likely be an appeal, and the board needs an architect's report or some other documentation to plead its case.

Motion by Mr. Cox and second by Mr. Duffy to send the application back to the Council, meet with the Planning Commission and staff, and put design guidelines in place that will make a positive impact on this neighborhood. Motion carried (6-0).

The board made the following suggestions to the applicant:

1. Make changes to the sizes of the windows to provide something less repetitive and provide some variation on the rear elevations.
2. Add two trees to the east property line to make a continuous row of trees.
3. Move the location of the bench to the left of its current location.
4. Defer the question of the species used in the tree screen (along east property line) to Ms. Warman and Elizabeth Walker, the City's Urban Forester.
5. Provide standards on the Leyland Cypress Hedge to be planted along the south property line as recommended by Ms. Warman and Elizabeth Walker.

Motion by Mr. Duffy and second by Mr. Bagg to approve the conditions stated by the Design Review Board and for a meeting with Council to be scheduled to discuss these conditions concerning the application. Motion carried (6-0).

Mr. McMahan suggested that the Design Review Board send a memo to the Council Chair requesting a meeting. The Design Review Board discussed a timeline for meeting with the Council. The Board discussed the process for denying the application and how the schedule will be affected if the denial is appealed. It was stressed that a denial must be based on design guidelines, and the board must plead a strong case for the denial.

ADMINISTRATIVE REPORTS AND DRB DISCUSSION: None

COMMENTS FROM THE AUDIENCE

KIRKLAND DESIGN REVIEW BOARD MEETING MINUTES: AUGUST 22, 2005

Margaret Carnegie, 11259 NE 126th Place, Kirkland, asked if the eastern trees or shrubs are evergreens. She said shrubs with a 12-foot limit would be acceptable, but if the proposed shrubs are not evergreens they will only be effective in screening the property for half of the year. She asked the board to add this request to its list of items.

The board discussed the trees being considered for the property and the grade along the east property line, and asked the applicant to consider an evergreen species in response to the neighbors' concerns.

Motion by Mr. Duffy and second by Mr. Bagg to add the inclusion of evergreen trees along the east side of the property line to the previously stated conditions. Motion carried (6-0)

ADJOURNMENT

Motion by Mr. Duffy and second by Mr. Cox to adjourn the meeting at 9:07 p.m. Motion carried (6-0).

Todd Kilburn, Chair
Kirkland Design Review Board

Eric Shields, Director
Department of Planning and Community Development

Recording Secretary: Susan Hayden
PROFESSIONAL OFFICE SERVICES