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DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
DESIGN RESPONSE CONFERENCE
STAFF ANALYSIS

File No.: DRC07-00007

Project Name: McLeod Mixed Use project

Applicant: Mark Smedley with Stock & Associates, Inc.

Project Planner: Jon Regala, Senior Planner

Date: January 9, 2008

Meeting Date and Place: 7:00 pm, Thursday, January 17, 2008
Continued from December 17, 2007 meeting
City Hall Council Chambers
123 5th Avenue, Kirkland

I. INTRODUCTION

The subject property is located at 118 and 150 Lake Street South (see Attachment 1). Mark Smedley, architect with Stock & Associates, representing the property owner, Stuart McLeod, has applied for a Design Response Conference for a new mixed-use building in Downtown Kirkland.

The applicant is proposing to construct a 4-story mixed-use building consisting of approximately 41,311 square feet of ground floor retail/restaurant uses and 3 floors of office space above the ground floor (approximately 137,392 square feet). Parking is proposed in a 5-level below grade parking structure to contain 486 parking stalls. An additional 22 stalls are available for valet parking. Vehicular access is proposed north of the subject property from an existing alley. The alley is proposed to be improved and widened. The applicant's *revised* proposal can be found in Attachment 2. A summary of the revisions can be found in Attachment 3.

II. PREVIOUS DESIGN RESPONSE CONFERENCE

A Design Response Conference for this project was held on December 17, 2007. At that meeting, the DRB (Design Review Board) provided feedback to the applicant as to how the design guidelines and Comprehensive Plan affect and pertain to the proposed project. The DRB continued the meeting to the January 17, 2008 DRB meeting and asked the applicant to address the following items:

A. Explore Building Massing Alternative 1

B. Provide information that explains how their preferred building design option meets the Downtown Plan building massing and upper story setback policies for buildings along Lake Street South.

C. Include an analysis on how the proposed building design responds to the context of existing and proposed projects in the area of the subject property.

D. Provide details of building at alley entrance along Lake Street South.

E. Confirm that the 10-foot sidewalk requirement is being provided.

III. DESIGN RESPONSE CONFERENCE - STAFF RECOMMENDATION

The DRB should continue its review of the McLeod Mixed Use project and determine if the project is consistent with the *Design Guidelines for Pedestrian Oriented Business Districts* and the Comprehensive Plan. See Sections V through VII below for information regarding the zoning regulations and Comprehensive Plan policies and guidelines that apply to the subject property.

This memo supplements staff's memo dated December 10, 2007 prepared for the December 17, 2007 DRB meeting. The December 10, 2007 memo is available online at the following web address:

http://www.ci.kirkland.wa.us/depart/Planning/DRB_Meeting_Information.htm

IV. PUBLIC COMMENT

A large number of public comment letters and emails were submitted to the City regarding the McLeod Mixed Use project since the submittal of the application on November 19, 2007. These letters and emails can be found in Attachment 4. Letters and/or emails received after January 8, 2008 and prior to Wednesday, January 16, 2008 will be emailed to the DRB members. Letters and/or emails received on and after Wednesday, January 16, 2008 will be hand delivered to the DRB at their January 17th meeting.

The following list is a general summary of comments submitted via letters/emails regarding the project:

- Proposed buildings are too large
- Buildings should be limited to 2 stories
- Proposal damages character, small town feel, charm, and overshadows ambiance
- Project should explore a green roof concept
- Proposal should preserve character and uniqueness of Downtown
- Upper stories should be setback from the pedestrian pathway located on the Portsmith property
- Proposal is not consistent with the Downtown Strategic Plan
- Too much traffic congestion
- DRB should consider public comment
- Encourage:
  - Less massing
  - Deeper setbacks
  - Pedestrian friendly along east façade
  - Orient rooftop appurtenances away from residences
- Need to stop and rethink downtown vision and building heights
- Buildings/awnings appear 'industrial'
- Western elevation lacks imagination and creativity
- Project should have center courtyard approach with a single prominent entry
- Condo owners are not the only stakeholders in the Downtown
- Scale of the proposed buildings is consistent with Portsmith building
- The project has an urban village style
- The project consists of a high quality and desirable building
- Provides additional parking in the downtown core

- Improves upon look and condition of existing older buildings
- Project will create a vibrant pedestrian area
- Project will provide office space which will complement existing retail environment
- The project complies with the Comprehensive Plan, the Design District guidelines, and the Zoning Code and is consistent with the vision for the Downtown
- Increased tax revenue

V. KEY ZONING REGULATIONS

Zoning standards for the subject property are found in the CBD 1 use-zone chart (see Attachment 5). The following regulations are important to point out as they form the basis of any new development on the site.

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 3 stories of office above ground floor retail/restaurant uses. Residential uses are not proposed.

B. Setbacks: There are no setbacks required in this zone.

C. Height: Maximum height for the proposed project is 4 stories, measured above the midpoint of the frontage of the subject property along Lake Street South. CBD 1 - General regulation #2 requires that buildings over 2 stories must demonstrate compliance with design regulations and provisions of the Downtown Plan. Ground floor retail/restaurant requires a 13' to 15' story height. Office and/or retail above the ground floor are allowed a maximum of 13' per story. Based on the applicant's proposal for ground floor retail and 3 floors of office above, the maximum height of the building is 54 feet above the midpoint elevation along Lake Street South.

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. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal or greater than four feet vertical to 12 feet horizontal.

Staff Comment: The DRB should balance this regulation with policies in the Downtown Plan that address bulk and massing. ***See Section VI below for Comprehensive Plan policies regarding massing for buildings taller than 2 stories.***

The DRB should also provide feedback to the applicant on the roof form and ways to visually screen future rooftop appurtenances. The applicant will need to ensure that the rooftop appurtenances comply with the height exceptions established for in KZC 115.120. The Zoning Code allows rooftop appurtenances to exceed the maximum height by a maximum of 4' if they do no exceed 10% of the roof area. Exceeding these thresholds will require additional review by City staff.

At the south end of the subject property, from Tully's to Ben & Jerry's, a private height covenant limits height of any improvements or landscaping to elevation 60.39'.

D. Lot Coverage: Lot coverage allowed is 100%.

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. KZC 50.60.3.a states that 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, unless the owner complies with the provisions of KZC 50.60.4 (parking fee-in-lieu section).

Staff Comment: KZC 50.60.3.a as mentioned above allows the applicant to grandfather the amount of parking stalls required based on the existing floor area and uses on the subject property. Attachment 6 contains information regarding the ***existing*** *gross floor area per tenant, description of their use, and required number of parking stalls based on the City's parking ratios. As a result, the applicant will be able to count 155 parking stalls towards their proposal.*

Attachment 7 contains a breakdown of the required parking stalls based on the proposed gross floor area and uses. This information shows that 641 parking stalls are required by code. When applying their grandfathered parking credit, 486 parking stalls are required to be provided onsite. The applicant is proposing to construct 486 parking stalls and therefore meeting the City's parking requirement. No parking modification is needed.

The applicant is also proposing an additional 22 parking stalls for valet parking.

F. Sidewalks: The Zoning Code requires that the existing sidewalk fronting the subject property be replaced with a 10-foot wide sidewalk along the entire portion of the project that is being redeveloped.

Staff Comment: The applicant has met with the Public Works Department and will be revising the frontage improvements to ensure that the 10-foot wide sidewalk requirement along the portion of the property being redeveloped will be met. For the portion of the project that will not be demolished, the existing sidewalk ranges from 7' to 9' in width depending on the location of the existing columns and building facades. Although the overall scope of the project would require a 10-foot sidewalk in this location, the Public Works Department will be approving a modification to allow the existing sidewalk configuration to remain based on the applicant retaining the existing structure, support columns, and tenants in this area. KZC 110.70.3 allows the Public Works Director to administratively grant a modification to the sidewalk requirement.

VI. KEY COMPREHENSIVE PLAN POLICIES

The Downtown Plan found in the Moss Bay Neighborhood section of the Comprehensive Plan identifies the subject property as being in Design District 1B (see Attachment 8). The Downtown Plan contains policies that are to be applied towards new development to ensure that the pedestrian nature and visual character of the Downtown is preserved. To make sure new development is designed to these policies, a Design Review Board process is required. Attachment 9 contains excerpts from the Downtown Plan. The following list outlines the key policy directives for this design district:

A. To provide incentive for redevelopment and because these larger sites have more flexibility to accommodate additional height, a mix of two to four stories in height is appropriate in Design District 1B. However, buildings should be limited to two stories along Lake Street South to reflect the scale of development in Design District 2 (properties located west of the subject property).

Stories above the second story should be set back from the street. South of Kirkland Avenue, building forms should step up from the north and west with the tallest portions at the base of the hillside to moderate mass of large buildings on top of the bluff. Buildings

over two stories in height should generally reduce the building mass above the second story.

Since the applicant is not proposing residential uses and is not requesting an additional 5th story, the criteria regarding providing superior retail space at the street level does not apply.

B. Pedestrian scale and orientation are important design elements in this area. At the street level, the building design should cater to the pedestrian by providing a lively, attractive, and safe environment.

C. Service areas, surface parking, and blank facades should be located away from the street frontage.

D. Enhancement of Downtown pedestrian routes should be a high-priority objective. The subject property fronts along a major pedestrian pathway.

E. A system of overhead coverings should be considered to improve the quality of pedestrian walkways year-round.

F. Private projects which include a substantial amount of surplus parking stalls in their projects should be encouraged to locate these parking stalls in the core frame.

G. The Comprehensive Plan does not contain policies that protect private views unless specifically called out in a neighborhood plan and zoning regulations. The Downtown Plan does not identify any private views to be protected in the area of the subject property.

VII. COMPLIANCE WITH POLICIES AND GUIDELINES

A. SCALE

1. DRB Discussion:

At the Conceptual Design Conference, the applicant provided several building massing options to the DRB for their consideration. After discussion, the DRB determined that the massing options provided were not adequate massing options but instead represented different façade options. Therefore, the DRB asked the applicant to create a massing model that can accommodate several building massing options to be reviewed at the Design Response Conference. The massing model was to include contextual information to assist the DRB in recommending a preferred massing option given Comprehensive Plan policies on massing for buildings above the second story. The DRB also asked that the applicant provide detailed information as to how the applicant arrived at their preferred option and how it is consistent with the Comprehensive Plan policies on building massing.

At the Design Response Conference, the DRB studied the massing model and alternatives provided by the applicant. After review, the DRB asked the applicant to provide at a future meeting, information that further develops building Alternative 1. This building massing option represents a 'U' shaped building design. The DRB also asked that the building design that address the design policy regarding upper story setbacks. The DRB suggested looking at previously approved projects as a basis for their refined building design.

2. Staff Analysis:

The applicant has submitted a revised massing plan that incorporates elements of the Alternative 1 building design option discussed at the previous DRB meeting (see Attachment 2).

The applicant's preferred design option is similar to the massing option reviewed at the previous DRB meeting but includes design changes that address the policies regarding upper story setbacks. These changes are summarized in Attachment 3. The applicant will be presenting the changes in greater detail at the January 17, 2008 DRB meeting. The applicant has proposed the following techniques to mitigate the mass of the structure:

- Window size and placement
- Change of materials and colors
- Horizontal and vertical definition
- Building setbacks at 3rd and 4th stories
- Breaking up the overall length of building façade by creating multiple smaller facades
- Setting back the entry courtyard facades

The DRB should determine if the proposal is consistent with the following Comprehensive Plan policies:

- Buildings should be limited to two stories along Lake Street South to reflect the scale of development in Design District 2
- Stories above the second story should be set back from the street.
- South of Kirkland Avenue, building forms should step up from the north and west with the tallest portions at the base of the hillside to moderate mass of large buildings on top of the bluff.
- Buildings over two stories in height should generally reduce the building mass above the second story.

In addition, the DRB should resolve the following questions:

a. Are human and architectural scale elements successfully integrated into the building design? This includes addressing the following design guidelines:

   (1) Varied window treatments should be encouraged. Ground floor uses should have large windows that showcase storefront displays to increase pedestrian interest. Architectural detailing at all window jambs, sills, and heads should be emphasized.

   (2) 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.

(3) Architectural building elements such as arcades, balconies, bay windows, roof decks, trellises, landscaping, awnings, cornices, friezes, art concepts, and courtyards should be encouraged.

(4) Vertical building modulation should be used to add variety and to make large buildings appear to be an aggregation of smaller buildings.

(5) Horizontal building modulation may be used to reduce the perceived mass of a building and to provide continuity at the ground level of large building complexes.

(6) 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.

b. Are blank walls adequately treated?

B. PEDESTRIAN AND VEHICULAR ACCESS

1. DRB Discussion:

The subject property is limited in terms of pedestrian and vehicular access given that the property fronts on Lake Street South to the west and an alley to the north. The DRB was interested as to how the proposed project fits in with the overall context of existing and proposed pedestrian walkways. In addition, the DRB wanted information regarding the proposed 'culinary court' since they had concerns about the design, functionality, and use as an active pedestrian space.

In terms of vehicular access, the DRB expressed concern at the Conceptual Design Conference about the loading and unloading area located at the northeast corner of the property and how it will look and function given the adjoining uses and buildings. Concern was also expressed regarding the required sight distance requirements at the entrance to the alley at the northwest corner of the site.

2. Staff Analysis:

The Public Works Department has regulations that deal with sight distance at intersections. The applicant has verified with the Public Works Department their alley intersection design at Lake Street South and it was determined that it meets City standards. Also, the applicant has submitted additional details regarding the proposed culinary court (see Attachment 2, pages 18, 36-38).

The DRB should provide feedback to the applicant on the following issues:

a. Finalize weather protection, lighting, sitting areas, pedestrian amenities. Should additional details be provided?

b. Are additional details needed regarding the layout and design of the proposed loading and unloading area?

C. OPEN SPACE AND LANDSCAPING

1. DRB Discussion:

At the Conceptual Design Conference, the DRB did not deliberate much on this topic other than ask questions regarding green roofs and the proposed landscaping to help screen the loading and unloading area at the northeast corner of the subject property.

2. Staff Analysis

A 'green roof' plan is not being proposed by the applicant. There are currently no guidelines or policies for Design District 1B that support requiring a 'green roof' for new development. Since the project's rooftop is visible from taller structures on adjoining properties, the applicant is proposing a roof plan that consists of river rock, recycled glass, and crushed granite in curved patterns.

The DRB should review the proposed landscape plan and identify if there are other opportunities for landscaping onsite and along the streetscape (see Attachment 2, pages 36-39).

D. BUILDING MATERIALS, COLOR, AND DETAIL

1. DRB Discussion:

The DRB did not provide feedback to the applicant at the previous Design Conference meeting regarding this topic.

2. Staff Analysis:

Although the DRB did not provide direction to the applicant regarding this topic, the applicant has provided details on the proposed building materials and color based on their preferred massing option (see Attachment 2, pages 30-31). Once, the DRB has agreed on a preferred massing option, the DRB should provide feedback to the applicant regarding consistency with the following guidelines:

- Use only high-quality coatings for concrete.
- Emphasize earth tones or subdued colors such as barn red and blue-gray for building walls and large surfaces.
- Reserve bright colors for trim or accents.
- Emphasize dark, saturated colors for awnings, and avoid garish and light colors that show dirt.
- Avoid highly-tinted or mirrored glass (except stained-glass windows).
- Consider the color of neighboring buildings when selecting colors for new buildings.

VIII. MODIFICATIONS

The Planning Official may approve a modification to the D.R. approval for the proposed development if:

A. The need for the modification was not known and could not reasonably have been known before the D.R. approval 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; and

C. The development that will result from the modification will be consistent with the design regulations, design guidelines, and Comprehensive Plan.

Any modification, other than as specified in subsection (1) of this section, must be reviewed and decided upon as a new D.R. approval under this chapter.

IX. APPEALS OF DRB DECISIONS AND LAPSE OF APPROVAL

A. APPEALS

Section 142.40 of the Zoning Code allows the Design Review Board's decision to be appealed to the City Council by the applicant and any person who submitted written or oral comments to the Design Review Board. The appeal must be in the form of a letter of appeal and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., _____, fourteen (14) calendar days following the postmarked date of distribution of the Design Review Board's decision.

Only those issues under the authority of the Design Review Board as established by Kirkland Zoning Code 142.35(2) are subject to appeal.

B. LAPSE OF APPROVAL

Section 142.55.1 of the Zoning Code states that unless otherwise specified in the decision granting DR approval, the applicant must begin construction or submit to the City a complete Building Permit application for development of the subject property consistent with the Design Review approval within one (1) year after the final decision to grant the DR approval or that decision becomes void. Furthermore, the applicant must substantially complete construction consistent with the DR approval and complete all conditions listed in the DR approval decision within three (3) years after the final decision on the DR approval or the decision becomes void. Application and appeal procedures for a time extension are described in Sections 142.55.2 and 142.55.3.

X. ATTACHMENTS

1. Vicinity Map
2. Applicant's Proposal
3. Summary of Revisions
4. Public Comment Emails/Letters
5. CBD 1 Use Zone Chart
6. Parking Info – Existing Floor Area
7. Parking Info – Proposed Floor Area
8. Design District Map
9. Comprehensive Plan Excerpts

XI. PARTIES OF RECORD

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