



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225
www.kirklandwa.gov

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
DESIGN RESPONSE CONFERENCE
STAFF ANALYSIS

File No.: DRC11-00002

Project Name: Totem Station Mixed-Use Project

Applicant: Aaron Hollingbery, CamWest Development, Inc.

Project Planner: Jon Regala, Senior Planner

Date: July 12, 2011

Meeting Date and Place: 7:00 p.m., July 18, 2011
City Hall Council Chambers
123 5th Avenue, Kirkland

I. RECOMMENDATION

- A. The DRB should conduct a Design Response Conference 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 3.30.040.

At the Design Response Conference, the DRB should resolve the issues indentified with the following topics:

1. Scale

- Across the site, is there adequate horizontal and vertical building modulation?
- Does the project respond to the context of surrounding uses (considering both present and potential development)?
- Has the streetscape design of the south and east façade and along the pedestrian walkway been designed with sufficient variety and visual relief?
- Are additional architectural scale elements needed?
- Should the applicant explore alternatives to the design of the ground floor parking structure façade at the southwest corner of the building?
- Is additional blank wall treatment required at the upper stories at southwest corner of the building?

2. Gateway/Corner Design
 - Review a redesigned gateway area to be at grade with the adjoining sidewalk.
 - Are the building corners appropriately designed?
 3. Site Planning
 - Should the applicant explore an alternative parking layout? If not, should additional screening be provided?
 4. Pedestrian Connections
 - Has the streetscape design of the building façades facing the pedestrian sidewalk been designed with sufficient variety and visual relief?
 - Does the proposed pedestrian pathway through the 'urban forest' provide a clear and inviting pathway for the public crossing through the site?
 - Is the pedestrian access (location and design of access) to the building from the sidewalk and parking lot adequate?
 5. Open Space and Landscaping
 - Does the landscaping effectively mitigate the mass of the proposed buildings?
 - Does the landscaping enhance the pedestrian experience along the project frontages and from within the subject property?
 - Does the landscape design at the gateway improve the visual quality of this important corner?
 - Should additional visual access be provided to the southern courtyard?
 6. Building Material, Color, and Detail
 - Do the proposed materials and color effectively reinforce the modulation of the building's mass and scale?
 - Do the proposed material and color palette establish an urban form aesthetic?
 - What additional information is needed on proposed building materials, colors, and details?
- B. If approved, the following conditions of approval are recommended. As part of the application for a building permit, the applicant shall submit detailed plans for staff review that reflect the following items:
1. This application subject to the applicable requirements contained in the KMC, Kirkland Zoning Code (KZC), Fire and Building Code, and Public Works Standards. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 1, Development Standards, is provided to familiarize the applicant with some of the additional development regulations.

2. A site plan and building elevations consistent with the plans approved by the DRB.
3. A final landscaping plan consistent with the landscape plan approved by the DRB.
4. Any additional revisions requested by the DRB at the Design Response Conference.

II. **SITE INFORMATION**

- A. Location (see Attachment 2): 11515 124th Avenue NE
- B. Project Description: The applicant is proposing to construct a new 4 to 5-story mixed use project. The majority of the project will be 4-stories. Lofts for three apartment units situated at building corners results in a 5-story building at those locations. The project also includes approximately 10,200 square feet of commercial/retail space, 108 one-unit/studio apartment units, and a total of 129 surface parking stalls. Attachments 3 through 6 contain the applicant's proposal.

In a separate zoning permit application, the applicant is requesting approval of a Planned Unit Development (PUD) in order to place residential parking spaces on the ground floor of the project. A parking modification is also being requested to allow street parking to count towards meeting the project's parking requirement. The decision on the parking modification will be made with the zoning permit application. See Section V.A below for information on the PUD application.

- C. Existing Conditions:
 1. Lot Size: 86,331 square feet or 1.98 acres
 2. Land Use: The subject property is currently undeveloped except for remnants of the old Slater Road, which has been vacated. The site is bounded by public right-of-way on three sides: 124th Ave NE on the east; NE 116th Street on the north; and NE 115th Place/Slater Avenue on the south.
 3. Vegetation: The site contains a large number of trees which include the following species:
 - Big Leaf Maple
 - Western Red Cedar
 - Douglas Fir
 - Black Cottonwood
 - Red Alder
 - Bitter Cherry
 - Cascara
- See Section V.B.9 below for discussion regarding the City's tree retention standards.
4. Terrain: The subject property slopes generally from the southeast to northwest. The eastern portion of the site has a more gradual slope. Starting at the intersection of NE 115th Place and 124th Avenue NE, the ground elevation drops approximately 11 feet over a distance of approximately 255 feet to the northwest. The western portion of the site has steeper topography. Starting at the intersection of Slater Avenue NE and NE 115th Place, the ground elevation drops approximately 19 feet over a distance of approximately 186 feet to the northwest.

D. Zoning: NRH 1A

E. Surrounding Land Uses:

The following are the uses, allowed heights, and zoning of the properties adjacent to the subject property:

- *North*: The site is bounded on the north by NE 116th Street. Across NE 116th Street is the TL 5 Zone. Maximum building height in the TL 5 Zone is 35 feet above average building elevation and may be increased to 45 feet above average building elevation in certain circumstances. Fronting on 124th Avenue NE is a retail complex containing a 7-11 store at the corner. Fronting on NE 116th Street is an auto body shop.
- *East*: The site is bounded on the east by 124th Ave NE. Across 124th Ave NE are NRH 1B and NRH 3 zones. In the NRH 1B zone, the potential maximum height is 58 feet. Properties to the east contain a retail complex with a Jack-in-the-Box fast food restaurant and the NE 116th Street retail plaza. In the NRH 3 zone, the potential maximum height is 30 feet above average building elevation. The property to the east which is located in the NRH 3 zone contains a single family residence.
- *South*: NRH 3 Zone. Potential maximum height is 30 feet above average building elevation. Properties to the south contain the Totem Square Office Park.

NRH 1A Zone. Also to the south, the subject property adjoins the Luna Sol mixed-use project which was completed in 2010. Luna Sol is a 5-story mixed use building with a 3-story below grade parking structure.
- *West*: The site is bounded on the west by a private access tract and the NRH 1A Zone. Potential maximum height is 58 feet measured above the abutting right-of-way. Properties to the west contain a 76 gas station as well as the Brown Bag Café, Shari's restaurant, and the Best Western Hotel.

Additional descriptions of the site and vicinity as well as photographs prepared by the applicant are contained in Attachment 7.

III. PUBLIC COMMENT

As of the issuance of this staff report, the Planning Department had not received any comment letters on the Design Response Conference application. Any comments received between the issuance date of this staff report and the public meeting on July 18, 2011 will be provided to the DRB at the public meeting.

IV. ENVIRONMENTAL REVIEW

The 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 is not required at time of Design Review. SEPA review for this project will occur as part

of the PUD zoning permit process. A SEPA determination will be made prior to the public hearing for the project.

V. ZONING

A. NRH 1A Zoning Standard Proposed to be Modified through a PUD

1. The NRH 1A zone prohibits locating stacked dwelling units on the ground floor of a structure. This prohibition also precludes parking stalls associated with the stacked dwelling units from being located on the ground floor. The applicant is proposing ground floor residential parking through the Planned Unit Development (PUD) process.
2. A PUD allows an applicant to propose a development that does not comply with all requirements of the zoning code but would benefit the City more than a development that did strictly comply. Review of a PUD falls under the City's Process IIB zoning permit review process which consists of a public hearing conducted by the hearing examiner. The hearing examiner then makes a recommendation to the City Council. The City Council makes the final decision. Additional information regarding this aspect of the project is available at City Hall under file number ZON11-00026.
3. The final decision on the Design Response Conference by the DRB will need to occur prior to the public hearing for the PUD. This is required so that the project would only have one public hearing (in case the DRB decision or SEPA determination for the project is appealed). If appealed, the appeal hearing would be combined with the public hearing for the PUD, satisfying the requirement for only one hearing. The chart below illustrates the related timelines and different stages between the two review processes.

TOTAL TIME	TIMING	DRB
Variable – Depends on when DRC application is submitted and how many subsequent DRB meetings are	30 days	Conceptual Design Conference (CDC)
	60 days	Design Response Conference (DRC) – 14 day public comment period included
	Variable	DRC Final Decision

TOTAL TIME	TIMING	PROCESS IIB/PUD
Approx. 120 Days	28 days	Completeness. Includes SEPA application and Concurrency certificate
	14 days	Public Comment Period
	Variable	SEPA Determination (Includes traffic mitigation review)
		Hearing Examiner – Public Hearing
		City Council Final Decision on preliminary PUD (Applicant may request that preliminary and final PUD be approved at this stage)

- Items that need to be completed prior to Process IIB/PUD Public Hearing.

B. NRH 1A Zoning

Zoning standards for uses in the NRH 1A zone are found in NRH 1A use-zone chart (see Attachment 8). The following regulations are important to point out as they form the basis of any new development on the site.

1. **Permitted Uses:** Permitted uses include, but are not limited to retail, office, and stacked dwelling units. Stacked dwelling units, including parking for the residential units, may not be located on the ground floor of a structure. A retail use may not exceed 60,000 square feet and certain auto-oriented retail uses are prohibited.

Staff Comment: The DRB should focus on achieving the aesthetics of ground-floor commercial (strong building base, attractive streetscape, pedestrian amenities, etc.) in a predominantly residential project and minimizing the presence of residential parking through effective project design.

2. **Setbacks:** A minimum setback of 10 feet is required from the property lines adjoining NE 115th Place, 124th Avenue NE, NE 116th Street, and the access easement adjoining the west property line.
3. **Height:** The maximum height in the NRH 1A zone for stacked dwelling units is five stories as measured above the midpoint of the frontage of the subject property on the abutting right-of-way. To determine the maximum structure height in feet, the height per story described in KZC Section 54.04.2.b is applied to the number of stories allowed. The chart below summarizes this code requirement.

FLOOR LEVEL	HEIGHT ALLOWED BY CODE (5-STORY BLDG.)
Ground Floor	
<i>Office Use</i>	13'
<i>Retail Use</i>	13' to 15'
2nd Story Residential	10'
3rd Story Residential	10'
4th Story Residential	10'
5th Story Residential (Loft)	10'
Subtotal	53' to 55'
4:12 Pitch Roof – Height Bonus	8'
MAXIMUM BUILDING HEIGHT	61' to 63'

Staff Comment: The maximum height for a mixed-use office/retail and apartment project in the NRH 1A zone is 63 feet as measured above the midpoint of the subject property along NE 115th Place. The applicant is proposing a maximum height of 62 feet utilizing the additional height allowed for a pitched roof.

The applicant is proposing a 14-foot ground floor height to accommodate both retail and office uses. Since the subject property is lower at NE 116th Street than NE 115th Place, the ground floor height near the gateway will be approximately 20 feet whereas the ground floor height along NE 115th Place will be 14 feet.

In terms of design review, the Design Review Board should provide feedback to the applicant on the proposed roof forms and ways to visually screen any rooftop

appurtenances. The applicant will need to ensure that the rooftop appurtenances comply with the height exceptions established for in KZC 115.120.

4. Lot Coverage: Lot coverage allowed is 80%.
5. Parking: For retail or office uses (not including medical, dental or veterinary), one parking stall is required for every 300 square feet of gross floor area. For stacked dwelling units, parking is determined on a case-by-case basis. The applicant is proposing shared parking between the commercial and residential use and a modification to allow new on-street parking to count toward their parking requirement. The following is a list of the applicable parking regulations to be addressed with the zoning permit.
 - *KZC Section 54.04.3 - The minimum required front yard is 10 feet, unless otherwise prescribed in the use zone chart. Ground floor canopies and similar entry features may encroach into the front yard; provided, the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. Staff Note - No parking may encroach into the required 10-foot front yard.*
 - *KZC Section 105.25 - If this code does not specify a parking space requirement for a particular use in a particular zone, the Planning Official shall establish a parking requirement on a case-by-case basis. The Planning Official shall base this determination on the actual parking demand on existing uses similar to the proposed use.*
 - *KZC Section 105.45 - Two (2) or more uses may share a parking area if the number of parking spaces provided is equal to the greatest number of required spaces for uses operating at the same time. To insure that a parking area is shared, each property owner must sign a statement in a form acceptable to the City Attorney, stating that his/her property is used for parking by the other property. The applicant must file this statement with the King County Bureau of Elections and Records to run with the properties.*
 - *KZC Section 105.58.2 - In the NRHBD, parking lots shall not be located between the street and the building unless no other feasible alternative exists on the subject property.*

The KZC requires that these issues be reviewed with the related zoning permit. The required information will be reviewed by the City's Traffic Engineer. Parking study information can be found in Attachment 15.

Staff Comment: The applicant has provided additional analysis which shows that there is no other feasible alternative for locating the surface parking (see Attachment 13, page 5). Because the applicant is also pursuing a PUD, compliance with the regulations will be reviewed by the Hearing Examiner and a final decision made by the City Council.

As proposed, parking is located within the front yard setback. The applicant has been made aware of this discrepancy and has indicated that the layout will be revised to comply with this regulation. The DRB should provide input on how the proposal meets the guideline limiting parking between the building and the street. See Section VII.C below for discussion on this topic.

6. Pedestrian connectivity. A pedestrian connection is required to be developed to link Slater Avenue NE to NE 116th Street.

Staff Comment: The Design Review Board should provide feedback on this topic in regards to location, types of materials and amenities, etc. for this pedestrian connection.

Also see KZC Chapter 105 for other pedestrian connection, pathway design, and bicycle requirements.

7. Sidewalk. NE 116th Street and 124th Avenue NE are designated as Major Pedestrian Sidewalks and eight foot wide sidewalks are required. Therefore, sidewalks are subject to KZC 110.52.3. The applicant shall install a sidewalk on and/or adjacent to the subject property along those street frontages consistent the standards in KZC 110.52.3.
8. Driveway Access. The Public Works Department reviewed the preliminary plans for redevelopment of the site and previously indicated at the Conceptual Design Conference that a vehicular connection to the adjoining access tract to the west (123rd Avenue NE) would be required. This vehicular connection was required as SEPA mitigation for the previous office development proposal on the subject property. After review of the current traffic study, the vehicular connection is no longer being required by Public Works due to the reduced traffic impacts associated with the current mixed-use proposal.
9. Tree Retention. The applicant has submitted a Tree Retention Plan prepared by a certified arborist (see Attachments 9, 10, and 11). In the report, the arborist identified a total of 119 trees of which 115 are considered significant trees by the KZC. Of the significant trees, the arborist identified 64 trees that are viable. The applicant is proposing to retain two large Douglas Fir trees (approximately 40-inches DBH) located at the southwest corner of the property (see Attachment 9). These trees will remain as part of the proposed 'urban forest'.

The KZC authorizes the City to require retention of high retention value trees to the maximum extent possible and moderate retention value trees if feasible. High and moderate retention value trees are defined as follows:

a. High, a viable tree, located within required yards and/or required landscape areas. Tree retention efforts shall be directed to the following trees if they are determined to be healthy and windfirm by a qualified professional, and provided the trees can be safely retained when pursuing alternatives to development standards pursuant to KZC 95.32:

- 1) Specimen trees;*
- 2) Tree groves and associated vegetation that are to be set aside as preserved groves pursuant to KZC 95.51(3);*
- 3) Trees on slopes of at least 10 percent; or*
- 4) Trees that are a part of a grove that extends into adjacent property, such as in a public park, open space, sensitive area buffer or otherwise preserved group of trees on adjacent private property. If significant trees must be removed in these situations, an adequate*

buffer of trees may be required to be retained or planted on the edge of the remaining grove to help stabilize;

b. Moderate, a viable tree that is to be retained if feasible

The City's Urban Forester has reviewed and approved the tree retention plan with the condition that subsequent permit drawings contain specific information on how to minimize impacts to the two trees to be retained given that a pedestrian path or sidewalk is located within the limits of disturbance for the trees (see Attachment 11b).

No specimen trees were identified on the subject property. The applicant is proposing to plant a variety of evergreen and deciduous trees with the project including a specimen tree in the proposed southern courtyard (see Attachment 5).

VI. CONCEPTUAL DESIGN CONFERENCE

A Conceptual Design Conference for this project was held on March 7, 2011. At the meeting, the DRB provided feedback to the applicant as to how the design guidelines affect and pertain to the proposed project. Attachment 12 contains a summary of the applicable design guidelines for the North Rose Hill Business District. The DRB also requested additional materials be submitted as the project moves towards the Design Response Conference.

The DRB comments at the Conceptual Design Conference focused on:

- Building massing
- Design of the building corner at NE 115th Place and 124th Avenue NE
- The gateway corner at NE 116th Street and 124th Avenue NE
- Visibility and solar access to the urban forest and proposed pedestrian plaza along NE 115th Place
- Location and design of the north-south connection as well as integration of pedestrian-oriented elements

A summary of the DRB's recommendations, request for additional information, and the applicant's response to the DRB can be found in Attachment 13.

VII. COMPLIANCE WITH DESIGN GUIDELINES

The DRB reviews projects for consistency with design guidelines contained in *Design Guidelines for Pedestrian Oriented Business Districts*, as adopted in Kirkland Municipal Code (KMC) Section 3.30.040. The following subsections contain a summary of the DRB's recommendation as discussed at the March 7, 2011 Conceptual Design Conference followed by a brief staff analysis.

A. SCALE

1. DRB Discussion: The DRB discussed the need for the building design to include vertical and horizontal modulation to reduce the perceived mass and relative

height of the structure. In particular, the DRB noted the south and east façades as key vantage points of the project, where building scale should be carefully studied relative to the neighboring development and existing contextual scale, as well as the future development under current zoning.

Along the east façade, the DRB noted that modulation should be used to break up the long façade of the building. Detailed information regarding the grade change along this facade was requested by the DRB. The DRB noted that they would not support creating a vehicular access point to 124th Avenue NE as a means to break up the building mass at the east facade. This is also supported by the Public Works Department due to the proximity of the NE 116th Street and NE 115th Place intersection and the amount of traffic on 124th Avenue NE.

On a broader note, the DRB asked that the applicant update their proposal to demonstrate how the project responds to the design guidelines outlined in the staff memorandum. The design guidelines are listed below.

- *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.*
- *Architectural building elements such as arcades, balconies, bay windows, roof decks, trellises, landscaping, awnings, cornices, friezes, art concepts, and courtyards should be encouraged.*
- *Vertical building modulation should be used to add variety and to make large buildings appear to be an aggregation of smaller buildings.*
- *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.*

The DRB requested that additional information in the form of a contextual site plan, building elevation drawings, and computer simulation renderings of the proposed project from various perspectives be submitted for review at the Design Response Conference.

2. Staff Analysis: *The applicant submitted detailed plans and drawings that address the DRB's concerns regarding building modulation and architectural scale. As discussed above, the DRB's main concern was how the east and south facades will be designed to mitigate bulk and mass impacts since they are prominent vantages of the site.*

The majority of the building is designed as a 4-story building with a pitched roof. Three corners of the building extend to a 5th story providing a taller vertical element at those locations. These building tower elements contain lofts at the 5th story that are associated with apartment units on the story below. The northeast and southeast corners also incorporate flat roof designs. To further accentuate vertical modulation, the roof forms vary in height and break up the roof line along multiple planes.

Vertical modulation is also achieved through the rhythmic patterns of small bay components which extend upwards several stories along the different facades especially helping to break up the long façade along 124th Avenue NE. In other

areas, portions of the building are recessed to provide the same relief to the long 124th Avenue NE façade. These architectural modulation elements are reinforced by the use of lighter colors, texture, and change of materials. Along NE 115th Place, the majority of the building is setback approximately 45 feet from the 'building corners' which contain the ground floor office and/or retail spaces.

Horizontal modulation is achieved by creating a strong base consisting of a brick façade at the ground level. The brick façade is carried up to the second story near the building corners. The ground floor contains larger windows than the upper story apartment units to promote visual interest at the pedestrian level and to reinforce the buildings base. The building's 'middle' is defined by a change of materials and use of varying colors. Lap siding and a panel system accentuated by the use of brick at the building corners differentiate the majority of the building from the primarily brick base. The building's 'top' is made up of varying roof forms.

Architectural scale is achieved by the use of varying windows sizes and use of balconies at the upper stories. On the ground floor, the use of awnings and a plaza/courtyard located along NE 115th Place provide additional architectural scale elements. The garden terrace proposed at the 2nd story also provides architectural scale and helps break up the structures' mass to appear as two buildings.

While parking is proposed at the ground level, the majority of the parking stalls are located behind the office and/or retail spaces and are not visible from the street. At the southwest portion of the building, the ground floor parking structure, although setback from the street, does not contain an intervening office and/or retail frontage. Staff is concerned that the ground floor façade in this area has been designed inconsistently with the remainder of the ground floor façade. In this same area, there is a large blank wall at the upper stories that abruptly breaks up the window patterns along the same façade. Staff recommends that the DRB provide input on these two items.

3. DRB Direction Needed:

- Across the site, is there adequate horizontal and vertical building modulation?
- Does the project respond to the context of surrounding uses (considering both present and potential development)?
- Has the streetscape design of the south and east façade and along the pedestrian walkway been designed with sufficient variety and visual relief?
- Are additional architectural scale elements needed?
- Should the applicant explore alternatives to the design of the ground floor parking structure façade at the southwest corner of the building?
- Is additional blank wall treatment required at the upper stories at southwest corner of the building?

B. GATEWAY/CORNER DESIGN

1. DRB Discussion: The DRB encouraged the applicant to further refine the design of the two key corners on the subject property (NE 116th Street & 124th Ave NE and NE 115th Place & 124th Ave NE). The corners function as key vantages of the site. The *Design Guidelines* contain the following guideline addressing the gateway identified at the northeast corner of the subject property:
 - *Use public art and private efforts to establish gateway features that strengthen the character and identity of the neighborhood. Use landscaping, signs, structures or other features that identify the neighborhood.*
 - *At the southwest corner of NE 116th Street and 124th Avenue NE a neighborhood gateway feature such as open space or plaza with signage should be integrated with a pedestrian connection linking Slater and NE 116th Street. In the alternative, a corner land mark consisting of a combination of open space and architectural building design features should be provided to identify the business district.*

Based on the above design guideline, the DRB asked that the applicant to put additional thought into the design of this gateway corner since it is a prominent corner of the site and is located at a major intersection of the City. The *Design Guidelines* also contains the following guideline addressing building corners:

Buildings should be designed to architecturally enhance building corners.

While the DRB supported the approach for a retail component at the southeast corner of the subject property, the DRB expressed concern in regards to visual access from 124th Avenue NE to the southern courtyard.

2. Staff Analysis: *The applicant has submitted detailed plans addressing the DRB's concern regarding the gateway and building corner design. In regards to the gateway design at the corner of NE 116th Street and 124th Avenue NE, staff and the applicant have met to discuss a redesign that would bring the retail floor down to the sidewalk level to create a more inviting grade-level pedestrian plaza at this intersection. The applicant has indicated that they will bring revised drawing to the DRB meeting. Staff and the applicant discussed the following concerns with the current drawings:*
 - *The plaza area sits higher than the adjacent sidewalk*
 - *The gateway design appears to include up to 10-foot tall retaining walls*
 - *A private 'Totem Station' sign is proposed*
 - *An extensive ADA ramp is located in the gateway area*
 - *Many of the improvements are located within the right-of-way*

The discussion section in the Design Guidelines also notes that street corners provide special opportunities for visual punctuation and an enhanced pedestrian environment. Buildings on corner sites should incorporate architectural design elements that create visual interest for the pedestrian and provide a sense of human proportion and scale. The applicant has submitted plans that show that the building corners are reinforced by utilizing a tower element with varying roof

treatments, colors, and materials. The building corners also contain building entrances and awnings to accommodate pedestrians.

3. DRB Direction Needed:

- Review a redesigned gateway area to be at grade with the adjoining sidewalk.
- Are the building corners appropriately designed?

C. SITE PLANNING

1. DRB Discussion: The DRB briefly discussed the location of the proposed surface parking lot at the southwest portion of the property. The design guideline and zoning regulations addressing this issue are listed below.

Guideline: Minimize the number of driveways by restricting curb cuts and by encouraging property and business owners to combine parking lot entrances and coordinate parking areas. Encourage side and rear yard parking areas by restricting parking in front yards. Require extensive screening where there is front yard parking.

Regulation. KZC Section 105.58.2 - In the NRHBD, parking lots shall not be located between the street and the building unless no other feasible alternative exists on the subject property.

Regulation. KZC Section 54.04.3 - The minimum required front yard is 10 feet, unless otherwise prescribed in the use zone chart. Ground floor canopies and similar entry features may encroach into the front yard; provided, the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking may encroach into the required 10-foot front yard.

The DRB was generally supportive of the proposed location of the southwest surface parking lot but wanted to see additional information regarding topography, retaining walls, and landscaping.

The DRB also requested that the applicant provide site plan information in regards to the location of trash/dumpsters and other back of house items. The DRB expressed concern regarding the visual impact of these items.

2. Staff Analysis: *The applicant has provided additional information on the topography, retaining walls, landscaping, and back of house items (see Attachments 3 and 5). In terms of the zoning regulation, the applicant has also provided additional analysis which shows that there is no other feasible alternative for locating the surface parking (see Attachment 13, page 5). If there is no feasible alternative as determined by the DRB, extensive screening should be required per the design guideline. Because the applicant is also pursuing a PUD, compliance with the regulations will be reviewed by the Hearing Examiner and a final decision made by the City Council.*

3. DRB Direction Needed:

- Should the applicant explore an alternative parking layout? If not, should additional screening be provided?

D. PEDESTRIAN CONNECTIONS

1. DRB Discussion: The DRB was open to having the required pedestrian pathway on the western portion of the site 'dead end' at the west property line adjoining the neighboring access tract or at the north property line adjacent to the gas station. Redevelopment of the adjoining parcels would extend the pedestrian connection to NE 116th Street. The DRB wanted the applicant to provide details of the pedestrian experience along the pathway that addresses proposed materials, landscaping, requirements for ADA accessibility, and other amenities.

NE 116th Street and 124th Avenue NE property frontages have been designated as major pedestrian sidewalks. As a result, the pedestrian-oriented elements are of particular concern along these frontages. As the project progresses to the Design Response Conference, the building design along these street frontages should address the *Design Guidelines* in regards to pedestrian-oriented elements.

2. Staff Analysis: *The applicant has revised the pedestrian pathway so that it begins at the intersection of Slater Avenue NE and NE 115th Place and proceeds through the proposed 'urban forest' to a point near the west property line instead of the north property line as originally discussed at the Conceptual Design Conference. The reconfiguration allows for a more gradual transition of the walkway given the topography of the subject property. The plans however show that the walkway ends near the west property line with a note for a future pedestrian connection to the property line. The applicant should revise the plans so that the pedestrian walkway extends to the west property line to be consistent with KZC Section 105.18.1.d.*

Additional information has also been provided by the applicant in regards to NE 116th Street and 124th Avenue NE being designated as major pedestrian sidewalks. The sidewalks are 8 feet wide. Landscaping, lighting, overhead weather protection, and pedestrian friendly facades are proposed along these frontages.

3. DRB Direction Needed:
 - Has the streetscape design of the building façades the pedestrian sidewalk been designed with sufficient variety and visual relief?
 - Does the proposed pedestrian pathway through the 'urban forest' provide a clear and inviting pathway for the public crossing through the site?
 - Is the pedestrian access (location and design of access) to the building from the sidewalk and parking lot adequate?

E. OPEN SPACE AND LANDSCAPING

1. DRB Discussion: The DRB indicated that they will be looking for the landscaping to help mitigate building massing and enhance the pedestrian experience along the project frontages. The gateway was also identified as an opportunity to incorporate landscaping to soften and enhance the visual quality of this key corner. The DRB also recommended that the applicant explore design options in order to maintain views to the 'urban forest' from the plaza located along NE 115th Place and to allow for solar access from the west.

The DRB also encouraged the applicant to look for opportunities to enhance the open space as experienced within the site, with emphasis on the plaza and upper story terrace. The *Design Guidelines* contain the following guideline addressing the visual quality of landscapes:

The placement and amount of landscaping for new and existing development should be mandated through design standards. Special consideration should be given to the purpose and context of the proposed landscaping. The pedestrian/auto landscape requires strong plantings of a structural nature to act as buffers or screens. The pedestrian landscape should emphasize the subtle characteristics of the plant materials. The building landscape should use landscaping that complements the building's favorable qualities and screens its faults.

In terms of tree retention, the DRB commented that a complete Tree Retention Plan should be submitted with the Design Response Conference.

2. Staff Analysis: *A Tree Retention Plan has been submitted with the Design Response Application (see Attachments 9, 10, and 11). Two existing trees located within the proposed 'urban forest' are to be retained. All other trees on the subject property are proposed to be removed.*

A landscape plan has also been submitted (see Attachment 5). The applicant has responded to the DRB's direction to incorporate landscaping by providing a mixture of trees, ground cover, and grasses throughout the site including plantings on the second story terrace. The southern courtyard includes a large specimen tree in a raised central planter. A flow through bioretention stormwater feature is proposed along the northwest property line which includes landscaping.

Also, the DRB requested that the applicant explore providing visual access from 124th Avenue NE to the southern courtyard. Visual access to the southern courtyard has not changed with the updated design. The perspective simulation renderings provided in Attachment 14 depict the amount of visual access to the southern courtyard as viewed from 124th Avenue NE. As proposed, the building conforms to the required 10-foot setback along NE 115th Place and 124th Avenue NE. The applicant feels that the buildings surrounding the courtyard help define the courtyard space and provide a sense of protection and comfort.

3. DRB Direction Needed:
 - Does the landscaping effectively mitigate the mass of the proposed buildings?
 - Does the landscaping enhance the pedestrian experience along the project frontages and from within the subject property?
 - Does the landscape design at the gateway improve the visual quality of this important corner?
 - Should additional visual access be provided to the southern courtyard?

F. BUILDING MATERIALS, COLOR, AND DETAIL

1. DRB Discussion: The DRB requested preliminary plans depicting proposed materials, colors, and details, including samples of materials and colors. In terms of forms and materials, the DRB indicated a preference that the building begin to establish an urban form for the area rather than presenting a suburban apartment design solution.

Staff Analysis: *The building has been designed with the following building materials (see Attachments 3 and 4):*

- *Ground Floor: Brick veneer, corrugated metal, glass windows, lap siding for garage façade frontage, metal awnings, and metal trellis features*
- *Residential Floors: Lap siding, Hardie reveal panel system, vinyl sash windows, smooth panels with picture frame molding, brick veneer, and corrugated metal siding*

2. DRB Direction Needed:

- Do the proposed materials and color effectively reinforce the modulation of the building's mass and scale?
- Do the proposed material and color palette establish an urban form aesthetic?
- What additional information is needed on proposed building materials, colors, and details?

VIII. DEVELOPMENT REVIEW COMMITTEE

The applicant's proposal is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, Fire and Building Code, and Public Works Standards. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 1, Development Standards, is provided to familiarize the applicant with some of the additional development regulations.

IX. 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.

X. APPEALS 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 Hearing Examiner by the applicant or 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.

XI. ATTACHMENTS

1. Development Standards
2. Vicinity Map
3. Applicant Plans
4. Color Elevation Drawing
5. Landscape Plan
6. Grading and Utility Plan
7. Aerial and Context Photos
8. NRH 1A Use Zone Chart
9. Tree Retention Plan Site Plan
10. Arborist Report dated February 20, 2011
11. Arborist Report dated April 7, 2011
- 11b. Urban Forester Review dated July 12, 2011
12. NRHBD Design Guideline Summary
13. CDC Recommendation and Applicant's Response
14. Perspective Drawings
15. Parking Study Information

XII. PARTIES

Department of Planning and Community Development
Department of Public Works
Department of Building and Fire Services



PERMIT NO.: ZON11-00026

DATE: 07/11/2011

PERMIT CONDITIONS AS FOLLOWS:

- 1) *****FIRE DEPARTMENT CONDITIONS*****
- 2) Fire sprinkler system is required.
- 3) A vertical standpipe is required
- 4) A fire alarm system is required.
- 5) Fire extinguishers required.
- 6) A key box is required for fire department access.
- 7) Fire flow requirement will be determined at time of building permit application. It appears that the flow to the south would need to be improved for a project of this size.
- 8) Hydrants and fire flow shall meet the requirements of Kirkland Operating Policy 4.

Additional hydrants will be required. Although fire flow to the east and north is adequate, fire flow will need to be improved on the south side of the property to meet requirements for a project of this size.

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

PUBLIC WORKS CONDITIONS

Permit #: ZON11-00026
 Project Name: Totem Station - Camwest PUD
 Project Address: 11515 124th Ave. NE
 Date: June 20, 2011

Public Works Staff Contacts
 Land Use and Pre-Submittal 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 Engineer Supervisor
 Phone: 425-587-3846 Fax: 425-587-3807
 E-mail: jb Burkhalter@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.ci.kirkland.wa.us.
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 review 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 Fees (paid with the issuance of a Building Permit)
 - o Right-of-way Fees (for each ROW)
 - o Review and Inspection Fee (for utilities and street improvements).
 - o Traffic, Park and School Impact Fee (paid with the issuance of Building Permit). For additional information, see notes

PERMIT CONDITIONS AS FOLLOWS:

below.

3. This project has applied for and received a Concurrency Test Notice.
4. Building Permits associated with this proposed project will be subject to the traffic, park, and school impact fees per Chapter 27 of the Kirkland Municipal Code. The impact fees shall be paid prior to issuance of the Building Permit(s).
5. 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.
6. 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 engineers stamp.
7. 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).
8. A completeness check meeting is required prior to submittal of any Building Permit applications.
9. The required tree plan shall include any significant tree in the public right-of-way along the property frontage.
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 NE 116th St and 124th Ave NE are both adequate. Both mains are on the opposite sides of the street (north and east respectively). Use a 6-inch side sewer connected to a public sewer manhole to serve the project unless the plumbing code dictates and 8-inch waste line, in which case, the side sewer shall be 8-inch minimum. There is also a public 8-inch sewer main that runs along the west side of the site. The project may be able to connect to this sewer main, but easements from the adjacent property owner may be necessary.

Water System Conditions:

1. The existing water mains in the public rights-of-way along the front of the subject property are adequate to serve this proposed development.
2. All water services shall be sized per the Uniform Plumbing Code. Provide 1" minimum water service from the water main to each meter.
3. In mixed-use projects each use shall have a separate water meter, i.e., the retail use shall have a separate water meter from residential use.
4. A separate irrigation meter shall be installed.
5. A water latecomer's agreement has been assessed against the property. Fee shall be paid at permit issuance.
6. Provide fire hydrants per the Fire Department's requirements.

Surface Water Conditions:

2009 KCSWDM

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. Summarized below are the levels of drainage review based on site and project characteristics:

" Full Drainage Review

PERMIT CONDITIONS AS FOLLOWS:

- " A full drainage review is required for any proposed project, new or redevelopment, that will:
 - " Add or replaces 5,000ft² or more of new impervious surface area,
 - " Propose 7,000ft² or more of land disturbing activity, or,
 - " Be a redevelopment project on a single or multiple parcel site in which the total of new plus replaced impervious surface area is 5,000ft² or more and whose valuation of proposed improvements (including interior improvements but excluding required mitigation and frontage improvements) exceeds 50% of the assessed value of the existing site improvements.
2. Provide verification that this site can discharge drainage into the private storm drainage system to west.
 3. Evaluate the feasibility and applicability of dispersion, infiltration, and other stormwater low impact development facilities on-site (per section 5.2 in the 2009 King County Surface Water Design Manual). If feasible, stormwater low impact development facilities are required. See PW Pre-Approved Plan Policy L-1 for more information on this requirement.
 4. Because this project site is one acre or greater, the following conditions apply:
 - " Amended soil requirements (per Ecology BMP T5.13) must be used in all landscaped areas.
 - " If the project meets minimum criteria for water quality treatment (5,000ft² pollution generating impervious surface area), the enhanced level of treatment is required if the project is multi-family residential, commercial, or industrial. Enhanced treatment targets the removal of metals such as copper and zinc.
 - " The applicant is responsible to apply for a Construction Stormwater General Permit from Washington State Department of Ecology. Provide the City with a copy of the Notice of Intent for the permit. Permit Information can be found at the following website: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>
 - o Among other requirements, this permit requires the applicant to prepare a Storm Water Pollution Prevention Plan (SWPPP) and identify a Certified Erosion and Sediment Control Lead (CESCL) prior to the start of construction. The CESCL shall attend the City of Kirkland PW Dept. pre-construction meeting with a completed SWPPP.
 - " Turbidity monitoring by the developer/contractor is required if a project contains a lake, stream, or wetland.
 - " A Stormwater Pollution Prevention and Spill (SWPPS) Plan must be kept on site during all phases of construction and shall address construction-related pollution generating activities. Follow the guidelines in the 2009 King County Surface Water Design Manual for plan preparation.
 5. If a storm water detention system is required, it shall be designed to Level II standards. Historic (forested) conditions shall be used as the pre-developed modeling condition.
 6. Storm detention calculations for the entire site are required.
 7. It doesn't appear that any work within an existing ditch will be required, however the developer has been given notice that the Army Corps of Engineers (COE) has asserted jurisdiction over upland ditches draining to streams. Either an existing Nationwide COE permit or an Individual COE permit may be necessary for work within ditches, depending on the project activities.
Applicants should obtain the applicable COE permit; information about COE permits can be found at: U.S. Army Corps of Engineers, Seattle District Regulatory Branch
http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=mainpage_NWPs
- Specific questions can be directed to: Seattle District, Corps of Engineers, Regulatory Branch, CENWS-OD-RG, Post Office Box 3755, Seattle, WA 98124-3755, Phone: (206) 764-3495
8. Provide an erosion control report and plan with Building or Land Surface Modification Permit application. The plan shall be in accordance with the 2009 King County Surface Water Design Manual.
 9. Construction drainage control shall be maintained by the developer and will be subject to periodic inspections. During the period from May 1 and September 30, all denuded soils must be covered within 7 days; between October 1 and April 30, all denuded soils must be covered within 12 hours. Additional erosion control measures may be required based on site and weather conditions. Exposed soils shall be stabilized at the end of the workday prior to a weekend, holiday, or predicted rain event.
 10. Provide collection and conveyance of right-of-way storm drainage

Street and Pedestrian Improvement Conditions:

PERMIT CONDITIONS AS FOLLOWS:

1. The subject property abuts NE 116th Street, an arterial type street, 124th Ave. NE, an arterial type street, and NE 115th Place, a collector type street. 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:

NE 116th Street

- A. Widen the street to 66 feet from the face of curb on the north side of the street to the new face of curb along the subject property street frontage (note - plans depict 33.5 ft from centerline of ROW to face of new curb but does not show total width of street; the said 66 ft width shall be verified). The street section for NE 116th St will consist of 4 eleven foot lanes, 1 twelve foot center turn lane, and 2 five foot bike lanes.
- B. Install storm drainage, curb and gutter, an 8 foot wide sidewalk with street trees and tree grates 30 foot on-center along the property frontage. Design shall include the City standard pedestrian lights 60 foot on-center per the North Rosehill Design Standard (one or two lights likely on NE 116th St frontage).
- C. City code designates this corner as a gateway to the North Rosehill Neighborhood and shall be required to incorporate design features as such. Since the City will be rebuilding this corner in the near future to accommodate the double turn lanes on 124th Ave NE all the required design features should be located outside of the future curb alignment and sidewalk at that corner. In general, any structures located in the right-of-way shall be maintained by the property owner and a Maintenance Agreement will need to be developed.
- D. Install No-parking anytime signs if deemed necessary by the reviewing Development Engineer.

124th Ave. NE

- E. Widen the street to 43 ft from center line to face of curb in areas where no parking is provided and 49 ft from centerline to face of curb where on-street parking is provided (as depicted on the plans)
- F. Install an 8 ft wide sidewalk with street trees in tree grates 30 ft. on-center and pedestrian lighting 60 ft on-center.
- G. Dedicate a public sidewalk easement as necessary to encompass the said improvements.

NE 115th Place

- H. Widen the street to 22.5 ft from center line to face of curb in areas where no parking is provided (44 ft minimum from existing curb on the south) and 28.5 ft from centerline to face of curb where on-street parking is provided (as depicted on the plans)
- I. Install an 8 ft wide sidewalk with street trees in tree grates 30 ft. on-center
- J. The proposed sidewalk and landscape strip along the front of the plaza as depicted on the plans is approved by Public Works; street trees shall be installed in planters at least 30 ft on-center or equal number of trees.
- K. Dedicate a public sidewalk easement as necessary to encompass the said improvements.

2. A 2-inch asphalt street 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. All street and driveway intersections shall not have any visual obstructions within the sight distance triangle. See Public Works Pre-approved Policy R.13 for the sight distance criteria and specifications.

4. 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.

5. Underground all new and existing on-site and frontage overhead transmission lines and/or existing utility poles. This undergrounding work will require lines to be undergrounded to the north side of NE 116th St and possibly to the east side on 124th Ave. NE depending on the Franchise Utility design.

6. Zoning Code Section 110.60.9 establishes the requirement that existing utility and transmission (power, telephone, etc.) lines on-site and in rights-of-way adjacent to the site must be underground. The Public Works Director may determine if undergrounding transmission lines in the adjacent right-of-way is not feasible and defer the undergrounding by signing an agreement to participate in an undergrounding project, if one is ever proposed. In this case, the Public Works Director has determined that undergrounding of existing overhead utility on the north side of NE 116th Street and the east side of 124th Ave. NE is not feasible at this time and the undergrounding of off-site/frontage transmission lines should be deferred with a Local Improvement District (LID) No Protest Agreement.

7. New street lights may be required per Puget Power design and Public Works approval. Contact the INTO Light

PERMIT NO.: ZON11-00026

DATE: 07/11/2011

PERMIT CONDITIONS AS FOLLOWS:

Division at PSE for a lighting analysis. If lighting is necessary, design must be submitted prior to issuance of a grading or building permit.

8. Provide a DRB and Planning approved pedestrian path from NE 115th St to NE 116th St. The path shall be encompassed in a Public Pedestrian Easement.