



CITY OF KIRKLAND
Planning and Building Department
 123 5th Avenue, Kirkland, WA 98033
 425.587.3600 - www.kirklandwa.gov

**ADVISORY REPORT
 FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS**

To: Kirkland Hearing Examiner

From:  Tony Leavitt, Senior Planner

 Adam Weinstein, AICP, Director of Planning and Building

Date: January 23, 2020

File: **VAR18-00070**
MARKET STREET DENTAL CLINIC VARIANCE

Hearing Date and Place: January 30, 2020; 7:00 PM
 City Hall Council Chamber
 123 Fifth Avenue, Kirkland

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I. INTRODUCTION

A. APPLICATION

1. Applicant: Craig Chaney, Merrick Lenz Architect
2. Site Location: 1009 Market Street (see Attachment 1)
Request: Variance to allow the reduction of the three required front yard setbacks. The 3rd Street West setback would be reduced from 20 feet to 7.5 feet, the 10th Avenue West setback would be reduced from 20 feet to 15 feet, and the Market Street setback would be reduced from 20 feet to 0 feet. The variances would allow construction of an approximately 5,387 square foot dental clinic building with 2 floors of parking below (see Attachment 2).
3. Review Process: Process IIA, Hearing Examiner conducts public hearing and makes final decision.
4. Summary of Key Issues: Compliance with the variance and zoning permit approval criteria (see Section II.F)

B. RECOMMENDATIONS

Based on Statements of Fact and Conclusions (Section II), and Attachments in this report, we recommend approval of this application subject to the following conditions:

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 3, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in Attachment 3, the condition of approval shall be followed.
2. As part of the application for a building permit, the applicant shall submit the construction plans demonstrating compliance with the approved zoning permit plans (see Conclusion II.F.5).
3. Prior to issuance of the building permit, the applicant shall submit a signed agreement for the modification of the required landscape buffer as provided by the City (see II.E.4).
4. Public Works Staff has reviewed the request for a driveway variance and approved the project driveways with the following conditions (see Conclusion II.E.5):
 - a. Paint the curb east of the project driveway red to restrict on-street parking east of the project driveway on 10th Avenue West.
 - b. All landscaping and structures within the sight triangles for both driveways must be no higher than three feet measured from the grade of the driveway located 14 feet back from the back of the sidewalk.

II. FINDINGS OF FACT AND CONCLUSIONS

A. SITE DESCRIPTION

1. Site Development and Zoning:

a. Facts:

- (1) Size: 8,120 square feet (0.186 acre)
- (2) Land Use: The subject property is currently vacant (see Attachment 2). A single-family residence on the site was demolished in 2007.
- (3) Zoning: The subject property is zoned Market Street Corridor (MSC) 1. A medical or dental office use is an allowed use in this zone. Construction of a multi-story office building requires Administrative Design Review (ADR) approval. The applicant has not applied for or received ADR approval at this time because the applicant wishes to establish the potential building envelop through the variance process first.
- (4) Terrain: The property slopes gradually from north to south at a general slope of around 5 percent (see Attachment 2).
- (5) Vegetation: The subject property contains no significant trees.

b. Conclusions:

- (1) Size, land use, terrain, and vegetation are not constraining factors in the review of this application.
- (2) Zoning regulations are relevant factors in the review of the applications since the applicant is requesting a reduction of the front yard setback yards.

2. Neighboring Development and Zoning:

(1) Facts: The neighboring properties are zoned as follows and contain the following uses:

- (a) North: Zoned MSC 1 (multi-story office building) and RS 7.2 (single-family residences). The office building was completed in 2018. The project received approval of a variance (VAR16-02086) for allow building height to be based on historic grades. The project was also reviewed by the Design Review Board. The DRB approved minor setback reductions of the front yard setbacks (ranging from 4 to 6 feet).
- (b) West and South: Zoned RS 7.2. Single-family residences.
- (c) East: Zoned MSC 1 developed with multi-family and office uses.

- (2) Conclusion: Neighboring development and zoning are factors in the review of this application. The potential impacts to adjoining properties should be considered in the review of the proposed variance application. Staff address this in Section II.F.2.

B. HISTORY

In March 2003, the Hearing Examiner approved a variance to allow the construction of an office building with the following setback reductions: 3rd Street West required front yard setback reduced from the required 20 feet to 5 feet, and the 10th Avenue West required front yard setback reduced from the required 20 feet to 10 feet (see Attachment 4). The Market Street setback was maintained at 20 feet. The variance approval lapsed before the building was constructed.

C. PUBLIC COMMENT

1. Facts: The initial public comment period for this application ran from May 16, 2018 to June 15, 2018. Staff received multiple public comments during the initial comment period and prior to drafting this Staff Report (see Attachment 5). Four of the letters expressed support for the variances. Most of the letters were against the proposal. The most common reasons mentioned for opposing the proposal, along with staff responses, are summarized below. Additionally, the applicant provided a response letter to address some of the issues raised in the letters (see Attachment 6).

a. Driveway and Intersection Sight Distance Issues

- (1) Some neighbors are concerned about impacts from the driveway and intersection sight distance issues.
- (2) **Staff Response**: The project site design was reviewed by the City's Transportation Engineer who concluded that the project required a driveway variance to allow two access driveways, instead of one, to the site (one from 10th Avenue West and one from 3rd Street West) and to allow the driveways to be less than 75 feet from the adjacent intersections (see Section II.E.5).

The City Transportation Engineer reviewed the request for a driveway variance and approved the project driveways (see Attachment 7) with the following conditions:

- a. Paint the curb east of the project driveway on 10th Avenue West red to restrict on-street parking.
- b. All landscaping and structures within the sight triangles for both driveways must be no higher than three feet measured from the grade of the driveway located 14 feet back from the back of the sidewalk.

Additionally, Public Works Pre-Approved Plan Policy R-13 specifies sight distance requirements for driveways and various types of intersections. These guidelines establish the sight distance triangle that must be kept clear of sight obstructions for all intersections and driveways pertaining to new developments.

The sight distance triangle depends primarily on the required visibility for drivers and pedestrians at intersections and driveways. It is determined by the type of intersection control (stop or yield sign, traffic signal or no control) and the speed limit on the major road or street entered upon.

As part of the building permit review, Staff will ensure that the conditions are met and that the project complies with Policy R-13.

b. Traffic and Parking Impacts on Neighboring Streets

- (1) Some neighbors were concerned about traffic impacts on the two streets (3rd Street West and 10th Avenue West) used to access the site. Additionally, there were concerns about adequate parking onsite.
- (2) **Staff Response:** As part of the driveway variance review, the City's Transportation Engineer determined that the proposed use is estimated to generate 19 trips during the PM peak hour. With two levels of parking served by a separate driveway, each driveway would generate less than 10 trips during the PM peak hour when the adjacent street traffic volume is highest. Based on traffic counts, the adjacent street PM peak hour traffic volume on 10th Avenue West and 3rd Street West is currently less than 30 trips for each street. The additional 10 PM peak trips on those streets would not significantly impact the traffic flow on those streets.

The project will need to comply with City parking requirements for a medical and dental office which requires one stall per 200 square feet of gross floor area. The proposed plans showing compliance with this requirement (see Section II.E.3).

c. Impacts to Neighboring Residential Uses

- (1) Some neighbors are concerned about impacts that the reduced setbacks will have on neighboring residential uses.
- (2) **Staff Response:** Staff addresses impacts on neighboring properties in Section II.F.2.

D. STATE ENVIRONMENTAL POLICY ACT (SEPA) AND CONCURRENCY

1. Facts: The project is exempt from SEPA and Traffic Concurrency reviews.
2. Conclusion: The project complies with City's SEPA and Traffic Concurrency requirements.

E. ZONING REQUIREMENTS

1. Setbacks

a. Facts:

- (1) The MSC 1 Zoning District requires a front yard setback of 20 feet.
- (2) The subject property fronts on three rights-of-way (Market Street, 10th Avenue West, 3rd Street West) that each require a front yard setback.
- (3) The proposed project encroaches 5 feet into the 10th Avenue West required setback, 7.5 feet into the 3rd Street West required setback and 20 feet into the Market Street required setback.

b. Conclusion: A setback variance is needed to allow the proposed structure to encroach into the required front setback yards. Staff addresses the variance in Section II.F.1.

2. Building Height

a. Facts:

- (1) The MSC 1 Zoning District limits an office use within 100 feet of a low density residential zone to 25 feet above average building elevation.

- (2) The applicant has submitted preliminary plans that show compliance with this requirement (see Attachment 2, Sheet VAR 4.1).
 - b. Conclusion: As part of the building permit review, Staff will confirm that the project complies with the 25-foot height requirement.
- 3. Parking
 - a. Facts:
 - (1) The MSC 1 Zoning District requires 1 parking stall per 200 square feet of gross floor area for a medical/ dental office use.
 - (2) The proposed 5,000 gross square feet project would require a total of 25 parking stalls.
 - (3) KZC Section 105.34 allows a maximum reduction of five (5) percent of required parking stalls (1.25 stalls for this project) if the project provides covered and secured bicycle storage on site. The applicant is proposing covered and secured bicycle storage on site.
 - (4) The required number of parking stalls as proposed is 24 stalls. The applicant has submitted preliminary plans that show compliance with this requirement
 - b. Conclusion: As part of the building permit review, Staff will confirm that the project complies with the parking requirements.
- 4. Landscape Buffer
 - a. Facts:
 - (1) The MSC 1 Zoning District requires that an office use meet the requirements of Landscape Category C as outlined in KZC Section 95.42. Based on adjoining low density residential land uses, a 15-foot wide landscape buffer is required along 10th Avenue West and 3rd Street West. A landscape buffer is not required along Market Street as the street is designated as a principal arterial.
 - (2) The applicant is proposing a 15-foot wide landscape buffer along 10th Avenue West.
 - (3) Along 3rd Street West, the applicant is proposing a 7.5-foot-wide landscape buffer.
 - (4) KZC Section 95.46.1 allows the applicant to request a modification of the requirements of the buffering standards in KZC 95.42. The Planning Official may approve a modification if:
 - (a) The owner of the adjoining property agrees to this in writing; and
 - (b) The existing topography or other characteristics of the subject property or the adjoining property, or the distance of development from the neighboring property decreases or eliminates the need for buffering; or
 - (c) The modification will be more beneficial to the adjoining property than the required buffer by causing less impairment of view or sunlight; or

- (d) The Planning Official determines that it is reasonable to anticipate that the adjoining property will be redeveloped in the foreseeable future to a use that would require no, or a less intensive, buffer; or
- (e) The location of pre-existing improvements on the adjoining site eliminates the need or benefit of the required landscape buffer.
- (5) The applicant has submitted letters from the owners of adjoining properties along 3rd Street West (see Attachment 8) indicating that they agree to the proposed landscape buffer modification.
- (6) The proposed structure will be 67.5 feet from the neighboring properties along 3rd Street West. Additionally, the structures on these neighboring properties are setback approximately 18 and 13 feet from the 3rd Street West property lines.
- b. Conclusions:
 - (1) The project must comply with the landscape buffer requirements along 10th Avenue West.
 - (2) The proposed landscape buffer along 3rd Street West meets the requirements of KZC Section 95.46.1 due to the fact that the owners of the adjoining properties have agreed to the modification in writing and the distance of development from the neighboring property decreases or eliminates the need for buffering.
 - (3) Prior to issuance of the building permit, the applicant should submit a signed agreement for the modification of the required landscape buffer as provided by the City.

5. Driveway Variance

- a. Facts:
 - (1) The Public Works Pre-Approved Plans driveway policy R-4 Section II.3.c allows one driveway to a development and Section II.5 requires the proposed development's driveways to be 75 feet away from a non-signalized intersection.
 - (2) A modification to this policy may be requested by the applicant. The City Transportation Engineering Manager will make the final decision as to whether or not the variance should be granted.
 - (3) The applicant requested a driveway variance to allow two driveways to serve the development and to allow both driveways to be located less than 75 feet from the adjacent intersections (see Attachment 7).
- b. Conclusions: Public Works Staff has reviewed the request for a driveway variance and approved the project driveways with the following conditions:
 - (1) Paint the curb east of the project driveway red to restrict on-street parking east of the project driveway on 10th Avenue West.

- (2) All landscaping and structures within the sight triangles for both driveways must be no higher than three feet measured from the grade of the driveway located 14 feet back from the back of the sidewalk.

F. APPROVAL CRITERIA

1. Variance Request

a. Facts:

- (1) Zoning Code Chapter 120 sets forth the mechanism whereby a provision of the Code may be varied on a case-by-case basis if the application of the provision would result in an unusual and unreasonable hardship.
- (2) The applicant requests a variance to allow the reduction of the three required front yard setbacks. The 3rd Street setback would be reduced from 20 feet to 7.5 feet, the 10th Avenue setback would be reduced from 20 feet to 15 feet, and the Market Street setback would be reduced from 20 feet to 0 feet.
- (3) Attachment 9 is a narrative from the applicant describing the request and response to the Variance Criteria. The applicant contends that without a setback variance, the property is not developable.
- (4) Zoning Code section 120.20 establishes three decisional criteria with which a variance request must comply in order to be granted. Sections 2 through 5 contain the staff's findings of fact and conclusions based on these three criteria

2. Variance Criterion 1: The variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City, in part or as a whole.

a. Facts:

- (1) The required front setback of 20 feet from the Market Street property line would be reduced to 0 feet as part of this proposal.
- (2) The required front setback of 20 feet from the 3rd Street West property line would be reduced to 7.5 feet as part of this proposal. The neighbors adjacent to the subject property on 3rd Street West have agreed to allow the modification of the required 15-foot landscape strip to the 7.5-foot strip the applicant is proposing (see Attachment 2).
- (3) The required front setback of 20 feet from the 10th Avenue West property line would be reduced to 15 feet as part of this proposal. The landscape buffer along this property line will not be modified as part of this proposal. The applicant will be required to install the following within this landscape strip:
 - (a) Trees planted at the rate of one (1) tree per 20 linear feet of land use buffer, with deciduous trees of two and one-half (2-1/2) inch caliper, minimum, and/or coniferous trees eight (8) feet in height, minimum. At least 70 percent of trees shall be evergreen. The trees shall be distributed evenly throughout the buffer, spaced no more than 20 feet apart on center.

- (b) Large shrubs or a mix of shrubs planted to attain coverage of at least 60 percent of the land use buffer area within two (2) years.
- (c) Living ground covers planted from either 4-inch pot with 12-inch spacing or 1-gallon pot with 18-inch spacing to cover within two (2) years 60 percent of the land use buffer not needed for viability of the shrubs or trees.
- (4) One potential impact would be the loss of perceived openness of the street corridors due to reduced setbacks. The site is located on an unusually shaped parcel that is surrounded on all sides by public rights-of-way including two 60-foot rights-of-way (3rd St West and 10th Ave West) and one 80-foot right-of-way (Market St).
- (5) The Market Street Corridor is included in the City's Design Guidelines for Pedestrian-Oriented Business Districts. The guidelines require that all building fronts along sidewalks have pedestrian-friendly features including transparent or decorative windows, public entrances, and treatment of blank walls.

b. Conclusions:

- (1) The granting of the setback variance along Market Street is consistent with the design guidelines for "pedestrian friendly" building fronts along Market Street.
 - (2) The granting of the variance on the 3rd Street West side of the property would allow the proposed structure to be closer to the adjacent properties, but the neighbors have agreed to a landscape buffer modification that allowed the applicant to proceed with the variance request.
 - (3) The granting of the variance on the 10th Avenue West side of the property would move the structure closer to adjacent properties, but impacts would be lessened by the required 15-foot-wide landscape buffer and right-of-way separation.
 - (4) The unique triangular shaped site will continue to provide significant openness around the perimeter with the significant public rights-of-way on all three sides in addition to the setbacks that will be maintained.
 - (5) The applicant's current design is a result of working with Staff to address design regulations applicable to the project. The current design includes pedestrian oriented spaces, blank wall treatments, and parking garage screening treatments. Staff will do a full Administrative Design Review as part of the Building Permit application.
 - (6) Staff concludes that the proposed variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City, in part or as a whole.
3. Variance Criterion 2: The variance is necessary because of special circumstances regarding the size, shape, topography, or location of the subject property, or the location of preexisting improvements on the subject property that conformed to the Zoning Code in effect when the improvement was constructed.

a. Facts:

- (1) The subject property is located at the intersection of 3rd Street West, 10th Avenue West, and Market Street and is triangular in shape.
- (2) Kirkland Zoning Code section 5.10.720(1) defines a front property line as any property line that is adjacent to a street or vehicular access easement or tract more than 21 feet in width. All three of the adjacent right-of-ways are more than 21 feet in width.
- (3) Kirkland Zoning Code section 5.10.775(1) defines a required front yard as that portion of a lot adjacent to and parallel with any front property lines. As a result, the subject property contains three required front yards. In the Market Street Corridor (MSC) 1 zone, an office use is required to maintain a 20-foot setback yard.
- (4) These required setbacks result in the subject property having a total area of approximately 1,753 square feet or 21.6% of the total lot area, referred to as "buildable area", that is not located within a required setback yard.

b. Conclusion: The subject property is constrained by the fact that it is surrounded by three rights-of-way and that all property lines are considered to be front property lines. The amount of "buildable area" on the subject property makes any development of the property difficult. A variance is necessary due to special circumstances due to location, size, and shape of the subject property.

4. Variance Criterion 3: The variance would not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this Code allows for other properties in the same area and zone as the subject property.

a. Facts:

- (1) The applicant is requesting a variance to allow the construction of a 5,000 square foot office building.
- (2) The subject property is highly unique for the City of Kirkland. It is one of three triangular shaped parcels with rights-of-way on all three sides that are within the City of Kirkland. The other two properties, located at 1715 Market and near the 1300 block of Market, are developed with an office and park respectively. The existing structure at 1715 Market is a legal nonconforming structure that has a staircase and awning that extend into a required front yard setback. That structure is also on a much larger parcel with a larger buildable area.
- (3) The proposed office building would be similar in size to two neighboring office projects at 1029 Market Street and 312 11th Avenue West (see below). Neither of these projects required a zoning code variance, but both projects were constructed on similar sized lots. As part of the Design Review Board approval for 1029 Market Street, the front yard setbacks were reduced by 4 to 6 feet as part of a minor reduction of setback yards.

Project	Gross Floor Area	Property Size	GSF/ Prop. Size %
1009 Market Office	5,000	8,120	61.58
1029 Market Office	11,931	15,001	79.54
312 11th Avenue Office	5,687	8,880	64.04

b. Conclusion: The granting of this variance would not constitute a special privilege to the subject property as the proposed office project on the subject property is similar in size to two neighboring projects that have been approved in the same area and zone. The unique configuration of the subject property creates unusual setback requirements that these other two projects did not incur.

5. Process IIA Zoning Permit Approval Criteria

a. Facts: Zoning Code section 150.65.3 states that a Process IIA application may be approved if:

- (1) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
- (2) It is consistent with the public health, safety, and welfare.

b. Conclusions:

- (1) The proposal complies with the criteria in section 150.65.3. It is consistent with all applicable development regulations (see Sections II.E & F) and the Comprehensive Plan (see Section II.G). In addition, it is consistent with the public health, safety, and welfare because the proposed development will create infill office development while meeting the goals of the Comprehensive Plan for the Market Neighborhood.
- (2) As part of the application for a building permit the applicant should submit the construction plans demonstrating compliance with the approved zoning permit plans.
- (3)

G. COMPREHENSIVE PLAN

a. Facts:

- (1) The subject property is located within the Market Street Corridor neighborhood and designated as office-multifamily zone and allowed density of 10-14 dwelling units per acre. The following goals and policy from the Market Street Corridor chapter in the Comprehensive Plan are relevant to this case:
- (2) Goal MS-2 supports a mix of higher intensity uses along the Market Street Corridor while minimizing impacts on adjacent residential neighborhoods.
- (3) Policy MS-6.3 states that commercial development which is oriented toward Market Street will have less impact on the adjacent low-density residential areas in the surrounding neighborhoods.

- b. Conclusion: These goals and policies emphasize the importance of minimizing impacts from higher intensity development adjacent to single family development. The office building is oriented toward Market Street. The proposed landscape buffers and subsequent Administrative Design Review will help mitigate impacts from the office use on the adjacent single family uses.

H. DEVELOPMENT STANDARDS

- 1. Fact: Additional comments and requirements placed on the project are found on the Development Standards, Attachment 3.
- 2. Conclusion: The applicant should follow the requirements set forth in Attachment 3.

III. SUBSEQUENT 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.

IV. APPEALS AND JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for appeals. Any person wishing to file or respond to an appeal should contact the Planning Department for further procedural information.

A. APPEALS

Appeal to the City Council:

Section 150.80 of the Zoning Code allows the Hearing Examiner's decision to be appealed by the applicant and any person who submitted written or oral testimony or comments to the Hearing Examiner. A party who signed a petition may not appeal unless such party also submitted independent written comments or information. The appeal must be in writing 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 Hearing Examiner's decision on the application.

B. JUDICIAL REVIEW

Section 152.110 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within twenty-one (21) calendar days of the issuance of the final land use decision by the City.

V. LAPSE OF APPROVAL

Under Section 152.115 of the Zoning Code, the applicant must submit to the City a complete building permit application approved under Chapter 152, within five (5) years after the final approval on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 152.110, the running of the five (5) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. Furthermore, the applicant must substantially complete construction approved under Chapter 152 and complete the applicable conditions listed on the Notice of Approval within seven (7) years after the final approval on the matter, or the decision becomes void.

VI. APPENDICES

Attachments 1 through 9 are attached.

1. Vicinity Map
2. Development Plans
3. Development Standards
4. 2003 Variance Approval
5. Public Comments Letters
6. Applicant's Response to Public Comments
7. Driveway Variance Approval Memo
8. Landscape Buffer Modification Letters
9. Variance Request Letter

VII. PARTIES OF RECORD

Applicant
Planning and Building Department
Department of Public Works

A written decision will be issued by the Hearing Examiner within eight calendar days of the date of the open record hearing.

**Market Street Dental
Clinic Variance
VAR18-00070**

1st St

Market St

SUBJECT PROPERTY

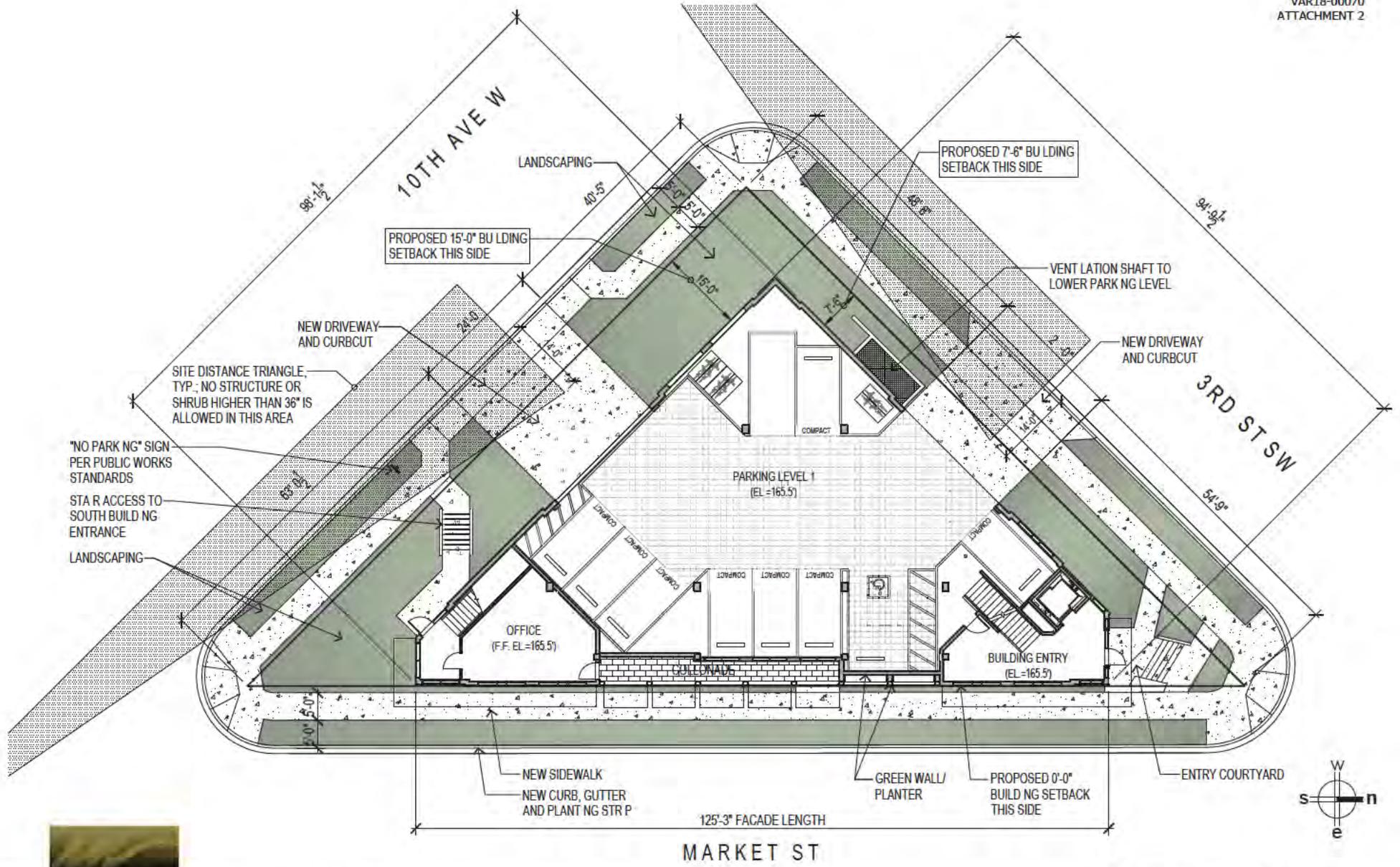
10th Ave

10th Ave W

3rd Ave W

8th Ave W





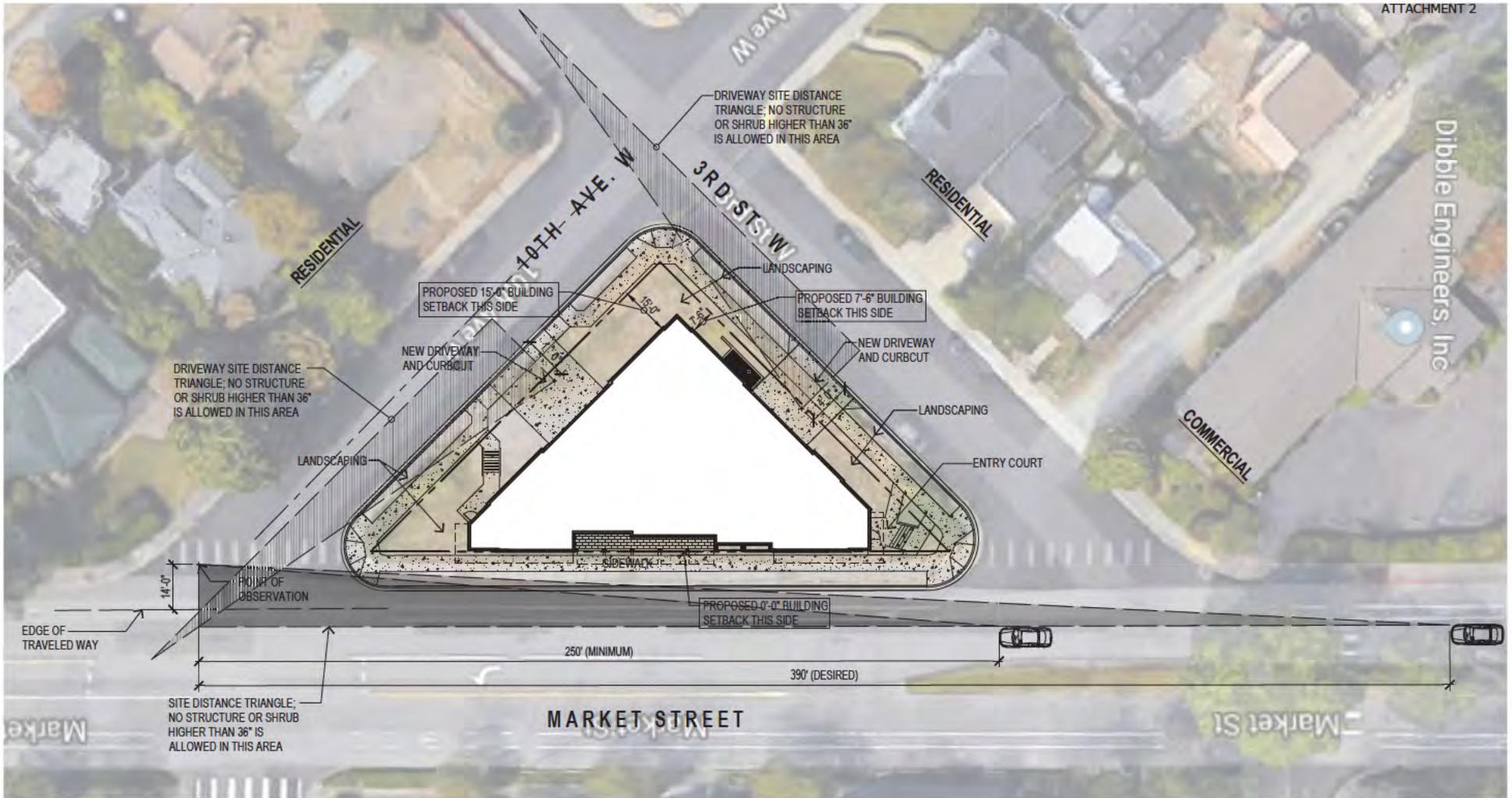
MERRICK LENTZ ARCHITECT
ARCHITECTURE - PLANNING
12815 NE 126th Place . Kirkland, WA . 98034

Project Name:
Market Street Dental Clinic Variance - Rev 2.1

Description:
Schematic Site Plan

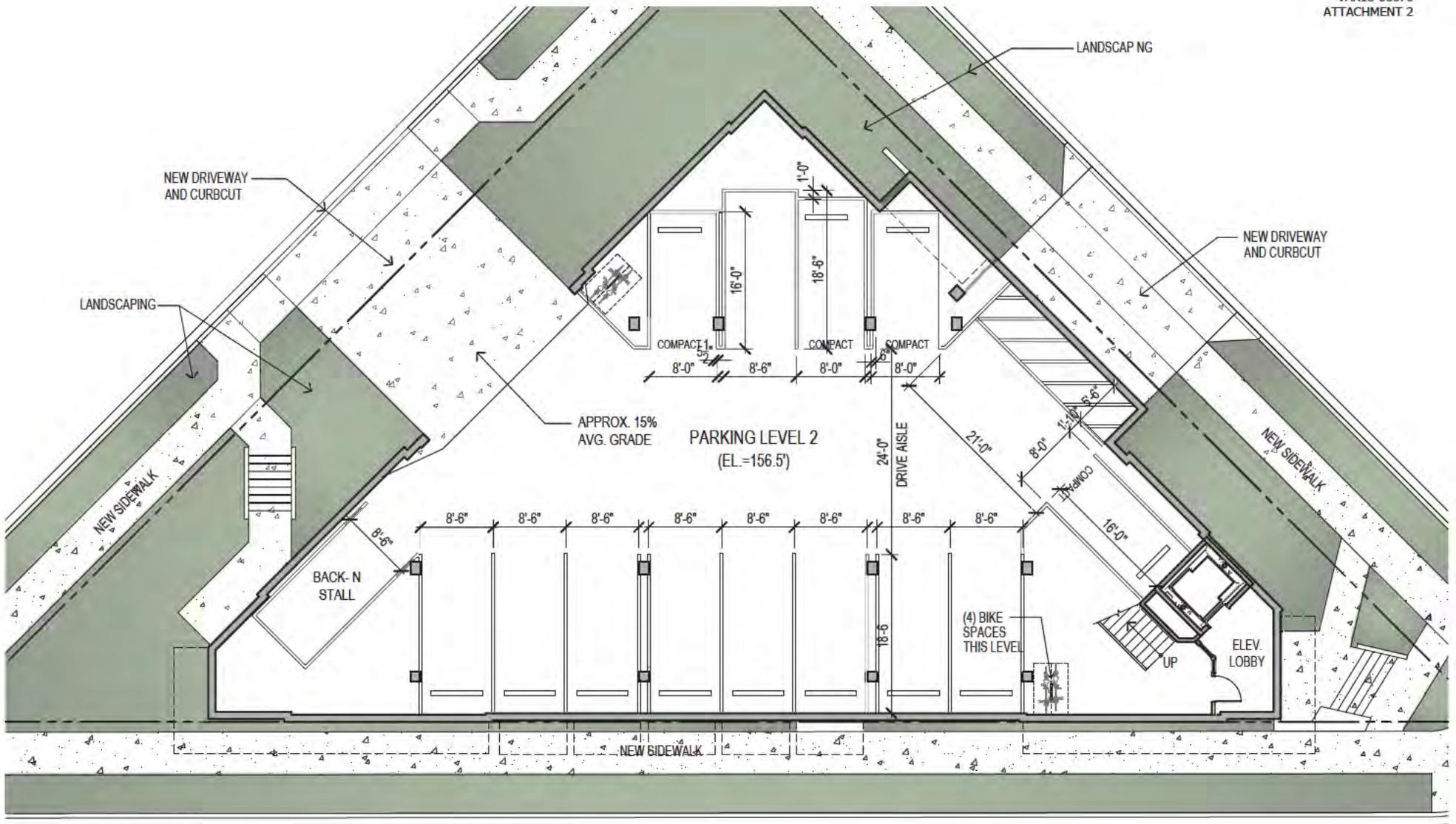
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Drawing Number:
VAR1.1

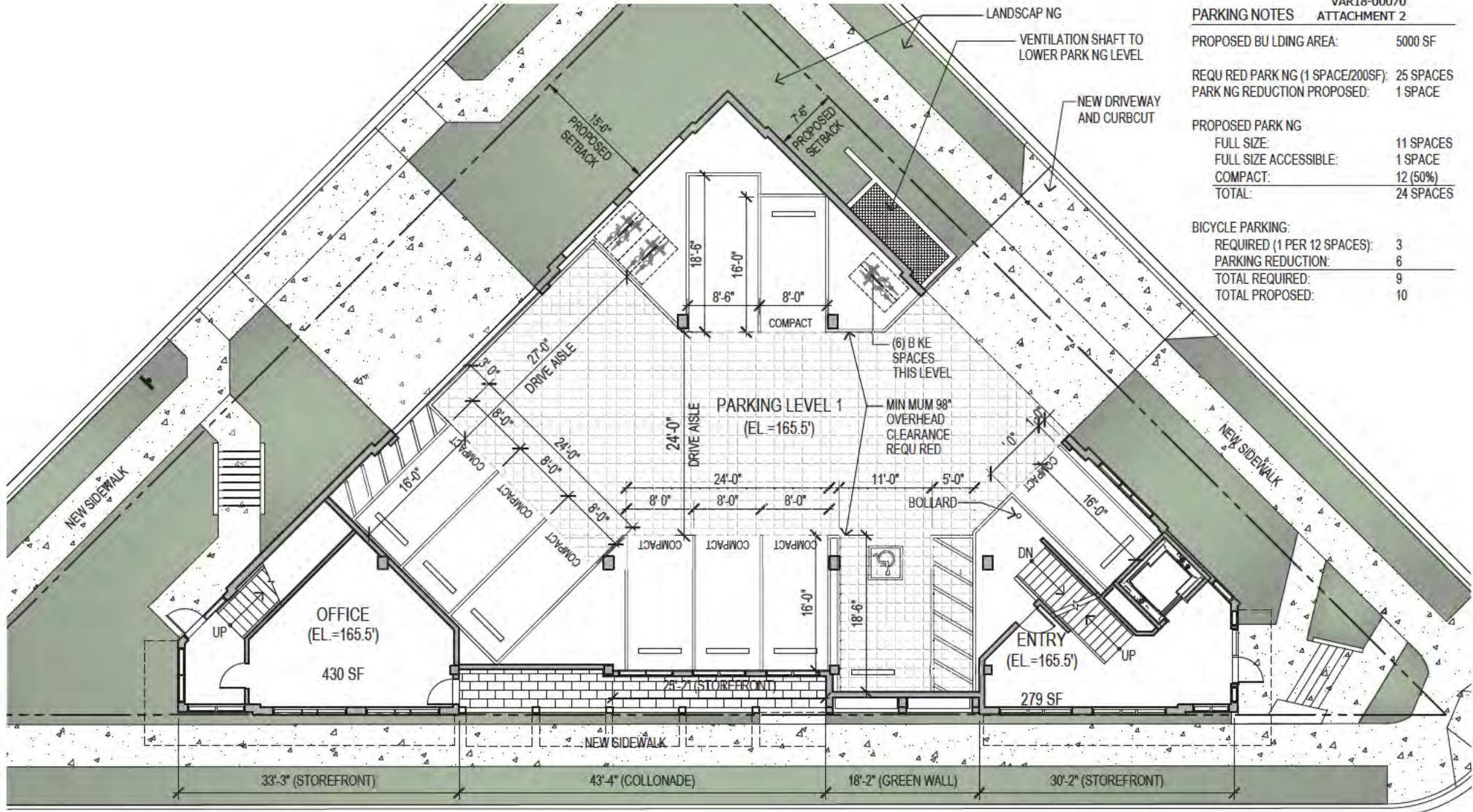


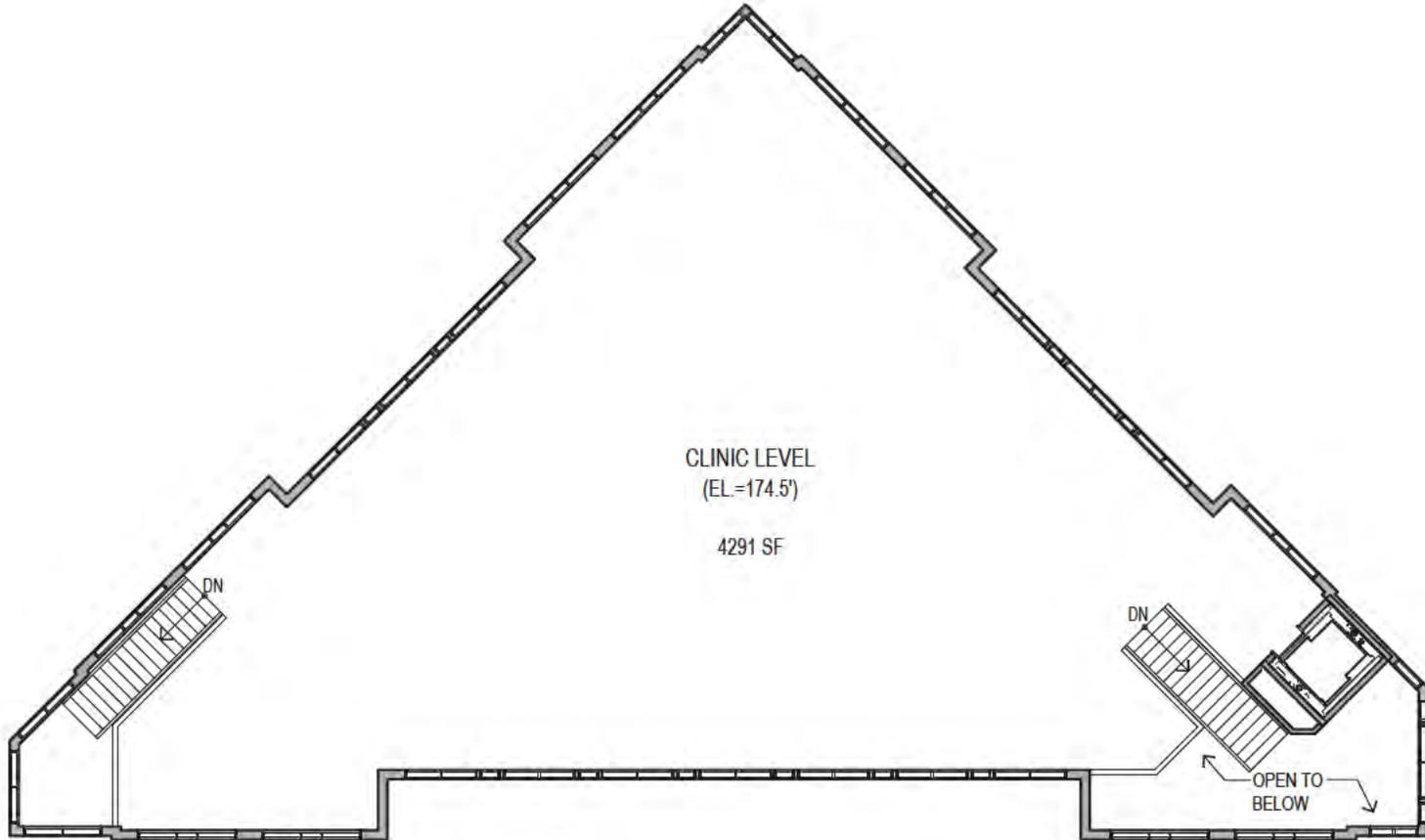
Note: Sight Distance Diagram based on City of Kirkland Policy R-13 - Intersection Sight Distance





PARKING NOTES	
PROPOSED BUILDING AREA:	5000 SF
REQUIRED PARKING (1 SPACE/200SF):	25 SPACES
PARKING REDUCTION PROPOSED:	1 SPACE
PROPOSED PARKING	
FULL SIZE:	11 SPACES
FULL SIZE ACCESSIBLE:	1 SPACE
COMPACT:	12 (50%)
TOTAL:	24 SPACES
BICYCLE PARKING:	
REQUIRED (1 PER 12 SPACES):	3
PARKING REDUCTION:	6
TOTAL REQUIRED:	9
TOTAL PROPOSED:	10



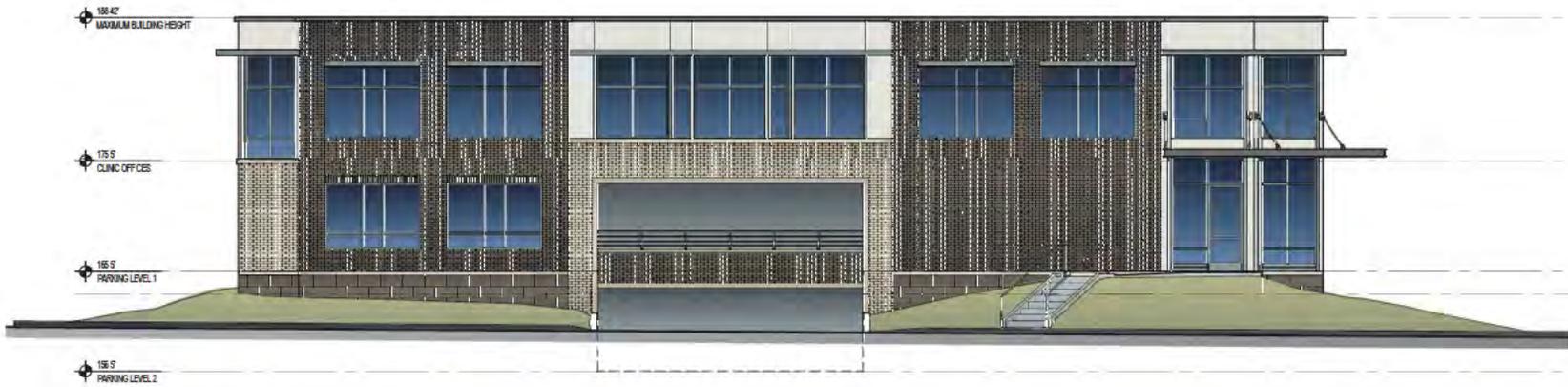




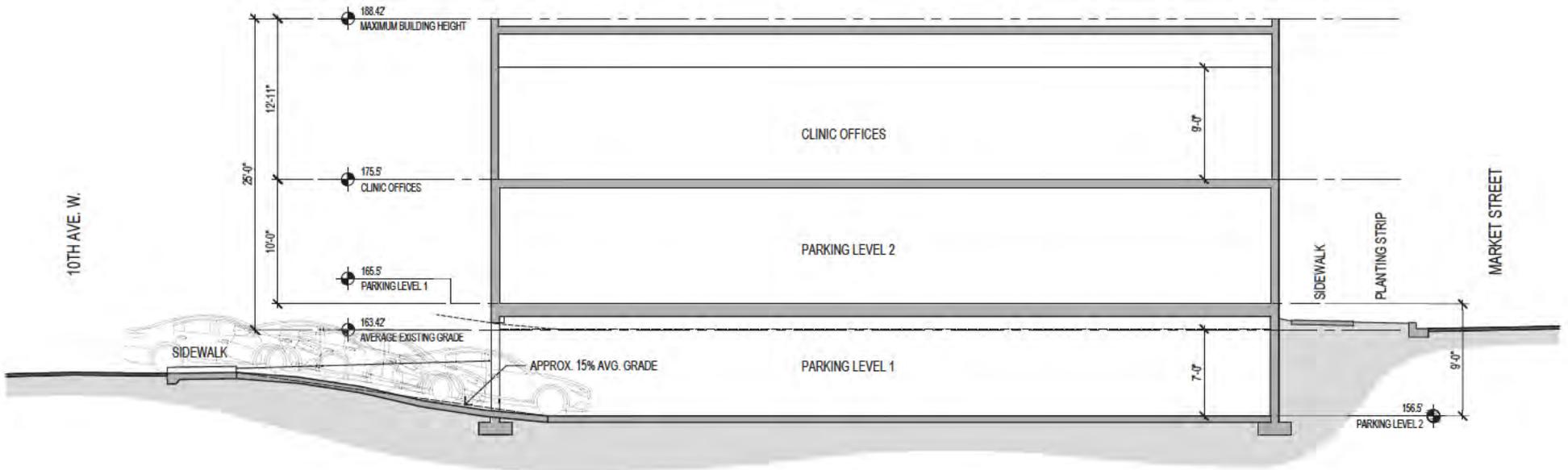
Market Street Elevation



Third Street Elevation



Tenth Avenue Elevation









MERRICK LENZ ARCHITECT
ARCHITECTURE - PLANNING

12815 NE 126th Place . Kirkland, WA . 98034

Project Name:

Market Street Dental Clinic Variance - Rev 2.1

Description:

Renderings

Date: 12/2/19

Scale: 3/32" = 1'-0"

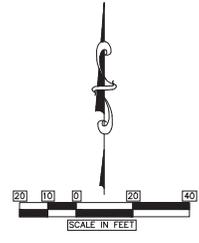
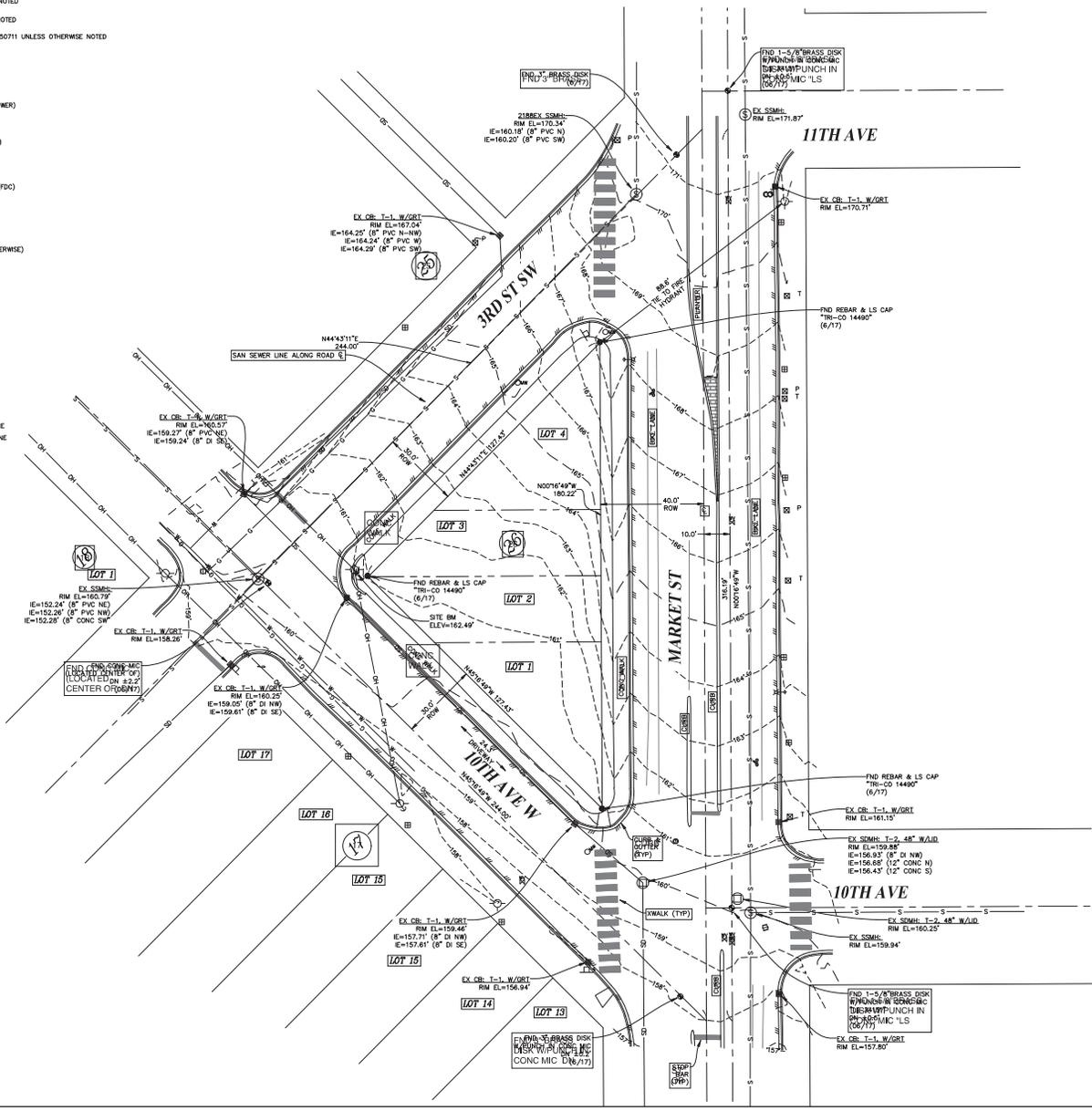
Drawing Number:

VAR5.3

BOUNDARY AND TOPOGRAPHIC SURVEY

LEGEND

- (NOTE: NOT ALL SYMBOLS MAY APPEAR ON THE MAP)
- FOUND CONCRETE MONUMENT AS NOTED
 - SET 1/2" REBAR/CAP #50711
 - SET 1/2" REBAR/CAP OR AS NOTED
 - SET LINE STAKE
 - SET TACK IN LEAD WITH SHINER #50711 UNLESS OTHERWISE NOTED
 - MEASURED DIMENSION
 - CALCULATED DIMENSION
 - LUMINAIRE (LUM.)
 - YARD LIGHT
 - POWER METER
 - UTILITY POLE
 - GUY ANCHOR
 - JUNCTION BOX (T=TELECOM, P=POWER)
 - TELEPHONE MANHOLE
 - CATCH BASIN (CB)
 - STORM MANHOLE (SMH)
 - SANITARY SEWER MANHOLE (SSMH)
 - CLEANOUT (AS NOTED)
 - GAS METER
 - GAS VALVE
 - WATER VALVE (WV)
 - FIRE HYDRANT(H) / CONNECTION(FDC)
 - WATER METER
 - WATER MANHOLE
 - BLOW-OFF / AIRVAC
 - SIGN
 - WETLAND FLAG
 - MAILBOX (MB)
 - WATER WELL (UNLESS SHOWN OTHERWISE)
 - IRRIGATION CONTROL VALVE
 - DIRECTIONAL ANCHOR
 - SURVEY MONUMENT (AS NOTED)
 - BENCHMARK
 - SECTION CORNER (AS NOTED)
 - SURVEY CONTROL STATION
 - HANDICAP
 - CONCRETE
 - GRAVEL/SAND (AS NOTED)
 - ASPHALT
 - BUILDING LINE
 - CHAINLINK FENCE
 - WOOD FENCE
 - BARBED WIRE FENCE
 - HOLOW FENCE
 - WATER LINE
 - GAS LINE
 - OVERHEAD/UNDERGROUND TEL. LINE
 - OVERHEAD/UNDERGROUND PWR. LINE
 - STORM LINE
 - SEWER LINE



BASIS OF BEARINGS
HELD A BEARING OF NORTH 01°4'49" WEST BETWEEN MONUMENTS FOUND IN MARKET STREET.

REFERENCES
KIRKLAND ADDITION, VOL. 6, PP. 53-67, BOOK OF PLATS RECORDS OF KING COUNTY, WA.
RECORD OF SURVEY RECORDED IN VOLUME 302, PAGE 195, UNDER KING COUNTY REC. NO. 20131008900016.

NOTES
INSTRUMENTATION FOR THIS SURVEY WAS A TOPCON OS-103 TOTAL STATION.
PROCEDURES USED WERE FIELD TRAVERSE, MEETING OR EXCEEDING STANDARDS SET BY WAC 332-130-090.
THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT PURPORT TO SHOW ALL EASEMENTS OF RECORD, OR OTHERWISE IF ANY.

LEGAL DESCRIPTION
LOTS 1, 2, 3 AND 4, BLOCK 26, KIRKLAND ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 6 OF PLATS, PAGE 56, IN KING COUNTY, WASHINGTON.

VERTICAL DATUM - NAVD88
CITY OF KIRKLAND BENCHMARK UTILIZED: 84
ELEV.=200.02'
SITE BENCHMARK: TOP OF A REBAR ON THE EAST FACE OF A UTILITY POLE NEAR THE WEST CORNER OF THE PROPERTY.
TBM ELEV.: 162.49'

BOUNDARY AND TOPOGRAPHIC SURVEY
PORTION OF THE SE 1/4 OF THE NE 1/4 OF
SEC. 6, T25N, R5E, W1M,
KIRKLAND, KING COUNTY, WASHINGTON

KIRKLAND FAMILY DENTISTRY
1009 MARKET ST, KIRKLAND, WA
FPN: 388560-2065
AREA: ±0.119 SQFT

ALL Land Surveying
Professional Engineers & Surveyors
17924
Product Code: 368-1001



1 of 1



DEVELOPMENT STANDARDS LIST
FILE: VAR18-00070, MARKET STREET DENTAL CLINIC VARIANCE

ZONING CODE STANDARDS

92.35 Prohibited Materials In Design Districts. If in a design district the following building materials are prohibited or limited in use: mirrored glass or reflective materials, corrugated fiberglass, chain link fencing, metal siding, concrete block, backlit awnings. Water spigots are required along building facades along sidewalks for cleaning and plant watering. Commercial buildings with more than one tenant shall install a cornerstone or plaque.

95.51.2.a Required Landscaping. All required landscaping shall be maintained throughout the life of the development. The applicant shall submit an agreement to the city to be recorded with King County which will perpetually maintain required landscaping. Prior to issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City.

95.50 Tree Installation Standards. All supplemental trees to be planted shall conform to the Kirkland Plant List. All installation standards shall conform to Kirkland Zoning Code Section 95.45.

95.52 Prohibited Vegetation. Plants listed as prohibited in the Kirkland Plant List shall not be planted in the City.

100.25 Sign Permits. Separate sign permit(s) are required. In JBD and CBD cabinet signs are prohibited.

105.18 Pedestrian Walkways. All uses, except single family dwelling units and duplex structures, must provide pedestrian walkways designed to minimize walking distances from the building entrance to the right of way and adjacent transit facilities, pedestrian connections to adjacent properties, between primary entrances of all uses on the subject property, through parking lots and parking garages to building entrances. Easements may be required. In design districts through block pathways or other pedestrian improvements may be required. See also Plates 34 in Chapter 180.

105.32 Bicycle Parking. All uses, except single family dwelling units and duplex structures with 6 or more vehicle parking spaces must provide covered bicycle parking within 50 feet of an entrance to the building at a ratio of one bicycle space for each twelve motor vehicle parking spaces. Check with Planner to determine the number of bike racks required and location.

105.18 Entrance Walkways. All uses, except single family dwellings and duplex structures, must provide pedestrian walkways between the principal entrances to all businesses, uses, and/or buildings on the subject property.

105.18 Overhead Weather Protection. All uses, except single family dwellings, multifamily, and industrial uses, must provide overhead weather protection along any portion of the building, which is adjacent to a pedestrian walkway.

105.18.2 Walkway Standards. Pedestrian walkways must be at least 5' wide; must be distinguishable from traffic lanes by pavement texture or elevation; must have adequate lighting for security and safety. Lights must be non-glare and mounted no more than 20' above the ground.

105.18.2 Overhead Weather Protection Standards. Overhead weather protection must

be provided along any portion of the building adjacent to a pedestrian walkway or sidewalk; over the primary exterior entrance to all buildings. May be composed of awnings, marquees, canopies or building overhangs; must cover at least 5' of the width of the adjacent walkway; and must be at least 8 feet above the ground immediately below it. In design districts, translucent awnings may not be backlit; see section for the percent of property frontage or building facade.

105.65 Compact Parking Stalls. Up to 50% of the number of parking spaces may be designated for compact cars.

110.52 Sidewalks and Public Improvements in Design Districts. See section, Plate 34 and public works approved plans manual for sidewalk standards and decorative lighting design applicable to design districts.

110.60.5 Street Trees. All trees planted in the right-of-way must be approved as to species by the City. All trees must be two inches in diameter at the time of planting as measured using the standards of the American Association of Nurserymen with a canopy that starts at least six feet above finished grade and does not obstruct any adjoining sidewalks or driving lanes.

115.25 Work Hours. It is a violation of this Code to engage in any development activity or to operate any heavy equipment before 7:00 am. or after 8:00 pm Monday through Friday, or before 9:00 am or after 6:00 pm Saturday. No development activity or use of heavy equipment may occur on Sundays or on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. The applicant will be required to comply with these regulations and any violation of this section will result in enforcement action, unless written permission is obtained from the Planning official.

115.45 Garbage and Recycling Placement and Screening. For uses other than detached dwelling units, duplexes, moorage facilities, parks, and construction sites, all garbage receptacles and dumpsters must be setback from property lines, located outside landscape buffers, and screened from view from the street, adjacent properties and pedestrian walkways or parks by a solid sight-obscuring enclosure.

115.75.2 Fill Material. All materials used as fill must be non-dissolving and non-decomposing. Fill material must not contain organic or inorganic material that would be detrimental to the water quality, or existing habitat, or create any other significant adverse impacts to the environment.

115.90 Calculating Lot Coverage. The total area of all structures and pavement and any other impervious surface on the subject property is limited to a maximum percentage of total lot area. See the Use Zone charts for maximum lot coverage percentages allowed. Section 115.90 lists exceptions to total lot coverage calculations See Section 115.90 for a more detailed explanation of these exceptions.

115.95 Noise Standards. The City of Kirkland adopts by reference the Maximum Environmental Noise Levels established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-60 WAC. Any noise, which injures, endangers the comfort, repose, health or safety of persons, or in any way renders persons insecure in life, or in the use of property is a violation of this Code.

115.115 Required Setback Yards. This section establishes what structures, improvements and activities may be within required setback yards as established for each use in each zone.

115.115.3.g Rockeries and Retaining Walls. Rockeries and retaining walls are limited to a maximum height of four feet in a required yard unless certain modification criteria in this section are met. The combined height of fences and retaining walls within five feet of each other in a required yard is limited to a maximum height of 6 feet, unless certain modification criteria in this section are met.

115.115.3.p HVAC and Similar Equipment: These may be placed no closer than five feet of a side or rear property line, and shall not be located within a required front yard; provided, that HVAC equipment may be located in a storage shed approved pursuant to subsection (3)(m) of this section or a garage approved pursuant to subsection (3)(o)(2) of this section. All HVAC equipment shall be baffled, shielded, enclosed, or placed on the property in a manner that will ensure compliance with the noise provisions of KZC 115.95.

115.120 Rooftop Appurtenance Screening. New or replacement appurtenances on existing buildings shall be surrounded by a solid screening enclosure equal in height to the appurtenance. New construction shall screen rooftop appurtenances by incorporating them in to the roof form.

115.135 Sight Distance at Intersection. Areas around all intersections, including the entrance of driveways onto streets, must be kept clear of sight obstruction as described in this section.

Prior to occupancy:

95.51.2.a Required Landscaping. All required landscaping shall be maintained throughout the life of the development. The applicant shall submit an agreement to the city to be recorded with King County which will perpetually maintain required landscaping. Prior to issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City

95.51.2.b Tree Maintenance. For detached dwelling units, the applicant shall submit a 5-year tree maintenance agreement to the Planning and Building Department to maintain all pre-existing trees designated for preservation and any supplemental trees required to be planted.

DEVELOPMENT STANDARDS

VAR18-00070



FIRE DEPARTMENT

FIRE DEPARTMENT COMMENTS

Contact: Grace Steuart at 425-587-3660; or gsteuart@kirklandwa.gov

HYDRANTS

Existing hydrants in the area are adequate to provide coverage for the proposed project. The hydrant in front of 235 10th Ave W shall be equipped with a 5" Storz fitting.

FIRE FLOW

Fire flow in the area varies between approximately 1500-3000 gpm, which is adequate for development.

FIRE SPRINKLERS

A sprinkler system is required to be installed throughout the building. Submit three sets of plans, specifications and calculations for approval; or submit electronically. All plans shall be designed and stamped by a person holding a State of Washington Certificate of Competency Level III certification. The system shall be installed by a state licensed sprinkler contractor. REF RCW 18.60 State of Washington.

A dedicated sprinkler riser room is required and it shall be placed on an exterior wall. The underground line shall run from the outside directly up into the riser room ((meaning, it shall not run under the slab for any distance nor through unheated space which would require the use of heat tape or insulation). If the riser room has direct access from the outside, a PIV is not required. The sprinkler riser room may be used for other mechanical equipment, but not for the main electrical room nor shall it be used for storage; it may be used to house the fire alarm panel.

NOTE: TWO PERMITS are required from the Fire Department for installation of the fire sprinkler system, one for the underground and one for the sprinkler system itself. No work shall be performed on the sprinkler system without a Fire Department permit.

The civil drawings may be used as reference but do not constitute permission to install the fire sprinkler underground. The underground permit is NOT over-the-counter, so should be applied for well in advance of the anticipated date of start of construction.

FIRE ALARM

A fire alarm system is required to be installed throughout the building. A separate permit is required from the Fire Department prior to installation. Submit three sets of plans and specifications for approval; or the permit may be applied for electronically at MyBuildingPermit.com. The system shall comply with Washington State Barrier Free requirements regarding installation of visual devices and pull stations. The specific requirements for the system can be found in Kirkland Operating Policy 10.

FIRE EXTINGUISHERS

Portable fire extinguishers are required per Section 906 of the IFC. Minimum rating is 2A10BC. Extinguishers shall be mounted or in cabinets so that the top of the extinguisher is no more than 5 feet above the finished floor. Travel distance to a fire extinguisher shall not exceed 75 feet as measured along the route of travel.

KEY BOX

If a sprinkler system is required, a Key box is required (Knox Box). It shall be installed in an approved accessible location no higher than six feet above grade. In most cases it will be located at the front entrance to the building. The box may be purchased on-line at www.knoxbox.com; or by filling out an order form which is available from the Fire Department office. Contact the Fire Prevention Bureau at 425-587-3650 for more information.

PUBLIC WORKS DEPARTMENT

PUBLIC WORKS CONDITIONS

Permit #: VAR18-00070

Project Name: Market Street Dental Clinic

Project Address: 1009 Market

Date: June 11, 2018

Building and Land Surface Modification (Grading) Permit Process:

Philip Vartanian, Development Engineer

Phone: 425-587-3856 Fax: 425-587-3807

E-mail: pvartanian@kirklandwa.gov

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.
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 applicant should anticipate the following fees:
 - o Water, Sewer, and Surface Water 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 Fee (paid with the issuance of a Building Permit)
 - o Right-of-way Fee
 - o Review and Inspection Fee (for utilities and street improvements).
 - o Building Permits associated with this proposed project will be subject to the traffic impact fees per Chapter 27 of the Kirkland Municipal Code. The impact fees shall be paid prior to issuance of the Building Permit(s).
3. Performance and Maintenance Securities:
 - Prior to issuance of the Building Permit a standard right of way restoration security ranging from \$10,000.00 to 40,000.00 (value determined based on amount of ROW disruption) shall be posted with Public Works Department. This security will be held until the project has been completed
 - Prior to Final Inspection of the Building Permit there will be a condition of the permit to establish a two year Maintenance security.
4. This project is exempt from concurrency review.
5. All civil engineering plans which are submitted in conjunction with a building permit must conform to the Public Works Policy G-7, 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 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. Prior to issuance of any commercial Building Permit, the applicant shall provide a plan for garbage storage and pickup. The plan shall conform to Policy G-9 in the Public Works Pre-approved Plans and be approved by Waste Management and the City.
10. The required tree plan shall include any significant tree in the public right-of-way along the property frontage.

Sanitary Sewer Conditions:

1. The existing sanitary sewer main within the public right-of-way of is adequate to serve the proposed development. Connect the new building to the existing side sewer (see note below) or install a new side sewer to the sewer main in 3rd St. W. The floor drains in the parking garage if provided (areas under cover) must convey to the sanitary sewer.
2. Provide a 6-inch minimum side sewer stub to each lot. Side sewers serving the property shall be PVC gravity sewer pipe per Public Works Pre-Approved Criteria. Remove and replace any substandard pipes. Verify existing pipe condition by video inspection if the pipe is to remain.

Water System Conditions:

1. The existing water main within the public right-of-way of is adequate to serve the proposed development.
2. Provide a new water service tap for the new building. City of Kirkland will set the water meter.
3. A separate irrigation service tap and meter may be used to provide for any irrigation needs.
4. A separate Fire Department tap would be required if the building is to have fire sprinkler system.
5. The neighbors across 10th Ave W have asked the City if it would be possible to relocate the existing fire hydrant from south side of 10th Ave W to the north side, this would open up more on street parking on the south side. Please note, there is no obligation on the owner to agree with this request.
6. See Fire Department conditions for additional requirements relating to the water system.

Surface Water Conditions:

1. Provide temporary and permanent storm water control in accordance with the 2016 King County Surface Water Design Manual (KCSWDM) and the City of Kirkland Addendum (Policy D-10).
2. To determine the drainage review level required, the target impervious surface area is the maximum allowable lot coverage area for the project, plus any offsite improved impervious areas. See Policy D-3 in the Public Works Pre-Approved Plans for drainage review information, or contact Kirkland Surface Water staff at (425) 587-3800 for assistance. The Kirkland Drainage Review Flow Chart is a helpful tool to determine a project's drainage review level. Drainage review levels are summarized below:

Full Drainage Review

- o Any non-single-family residential project that creates more than 2,000 sf of new and/or replaced impervious surface, or greater than 7,000 sf of land disturbing activity will trigger a Full Drainage Review.
3. This project is in a Level 1 Flow Control Area (Potential Direct Discharge), and is required to comply with core drainage requirements in the KCSWDM.
 - a) To qualify for direct discharge, the applicant must demonstrate (at a minimum):
 - The conveyance system between the project site and Lake Washington will be comprised of manmade conveyance elements and will be within public right-of-way or a public or private drainage easement, AND
 - The conveyance system will have adequate capacity per Core Requirement #4, Conveyance System, for the entire contributing drainage area, assuming build-out conditions to current zoning for the equivalent area portion and existing conditions for the remaining area;
 - b) If a stormwater detention system is required, this project may be designed to Level 1 flow control standards. Existing conditions may be used as the pre-developed condition. Calculations of the existing impervious surface area for modeling shall be in accordance with the formula described in the KCSWDM.
 4. The project may qualify for an exception to detention if the target surfaces will generate no more than a 0.15 cfs increase in the existing site conditions 100-year peak flow. The 15-minute time step must be used to perform the flow control analysis. Do not use the 1-hour time step. Approved hydrologic modeling programs are MGS Flood and WWHM 2012.
 5. Evaluate the feasibility and applicability of dispersion, infiltration, and other stormwater Low Impact Development (LID) Best Management Practices (BMPs) per the KCSWDM. If feasible, stormwater LID BMPs are required to the maximum extent feasible. If LID BMPs are infeasible, pervious pavement cannot be used to reduce overall impervious lot coverage. The Private Maintenance Agreement will be recorded on all projects that construct a stormwater LID BMP or facility, per Policy D-7.
 6. Soil information may be necessary for designing LID BMPs per the KCSWDM, and there are other reasons a soil report is necessary for a project (e.g., steep slopes, sensitive areas, etc.). Refer to Policy D-8 for details.
 7. Soil Amendment per Pre-Approved Plan E.12 is required for all landscaped areas.
 8. All roof and driveway drainage must be tight-lined to the storm drain system or utilize low impact development

techniques on-site. Any area within building foot print or under a roof/floor above must drain to Sewer system.

9. Provide collection and conveyance of right-of-way storm drainage.
10. Construction Stormwater Pollution Prevention Plan (CSWPPP):
 - a. All proposed projects that will conduct construction activities onsite, or offsite must provide stormwater pollution prevention and spill controls to prevent, reduce, or eliminate the discharge of pollutants (including sediment) to onsite or adjacent stormwater systems or watercourses.
 - b. Refer to Core Requirement No. 5 in the KCSWDM and Policy D-12.
 - c. Provide an erosion control report and plan with the Building Permit application. The plan shall be in accordance with the KCSWDM.
 - d. 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.

Street and Pedestrian Improvement Conditions:

1. The subject property abuts Market St., 10th Ave. W., and 3rd St. W. These streets are an Arterial (Market St) and Neighborhood Access type streets. 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:
 - A. Remove and replace all existing sidewalk curb and gutter with City's new standards (storm drainage, curb and gutter, a 4.5 ft. planter strip with street trees 30 ft. on-center, and a 5 ft. wide sidewalk). Additional all driveways and sidewalk design/ configuration must meet WSDOT standard for ADA requirements.
 2. When three or more utility trench crossings occur within 150 lineal ft. of street length or where utility trenches parallel the street centerline, the street shall be overlaid with new asphalt or the existing asphalt shall be removed and replaced per the City of Kirkland Street Asphalt Overlay Policy R-7.
 - Existing streets with 4-inches or more of existing asphalt shall receive a 2-inch (minimum thickness) asphalt overlay. Grinding of the existing asphalt to blend in the overlay will be required along all match lines.
 - Existing streets with 3-inches or less of existing asphalt shall have the existing asphalt removed and replaced with an asphalt thickness equal or greater than the existing asphalt provided however that no asphalt shall be less than 2-inches thick and the subgrade shall be compacted to 95% density.
 3. Meet the requirements of the Kirkland Driveway Policy R-4. Spacing Table from R-4, for reference:
 4. Meet the requirements of the Kirkland Intersection Sight Distance Policy R.13. All street and driveway intersections shall not have any visual obstructions within the sight distance triangle.
 5. When three or more utility trench crossings occur within 150 lineal ft. of street length or where utility trenches parallel the street centerline, the street shall be overlaid with new asphalt or the existing asphalt shall be removed and replaced per the City of Kirkland Street Asphalt Overlay Policy R-7.
 - Existing streets with 4-inches or more of existing asphalt shall receive a 2-inch (minimum thickness) asphalt overlay. Grinding of the existing asphalt to blend in the overlay will be required along all match lines.
 - Existing streets with 3-inches or less of existing asphalt shall have the existing asphalt removed and replaced with an asphalt thickness equal or greater than the existing asphalt provided however that no asphalt shall be less than 2-inches thick and the subgrade shall be compacted to 95% density.
 6. Prior to the final of the building or grading permit, pay for the installation of stop and street signs at the new intersections of stop and street signs at the new intersections.
 7. 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.
 8. Underground all new and existing on-site utility lines and overhead transmission lines. Underground any new off-site transmission lines.
 9. 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 in the ROWs are 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. The final recorded subdivision document shall include the following

note:

10. New LED street lights may be required per Puget Sound Energy design and Public Works approval. Contact the INTO Light Division at PSE for a lighting analysis. If lighting is necessary, design must be submitted prior to issuance of a grading or building permit.

Brynja Myren

Account Sales Manager,

Intolight, PUGET SOUND ENERGY

Tel 425-462-3833 | Cell 206-604-3348 | Fax 425-462-3149

Email brynja.myren@pse.com | Website: www.intolight.com

11. A striping plan for the street must be submitted with the building permit.

Related City Website Links

- [City of Kirkland Pre-Approved Plans and Policies](#)
- [Public Works Development Fees](#)
- [Stormwater FAQs](#)
- [Application Forms \(Electronic, Paper\)](#)
- [KZC105 – Private Drive, Private and Pedestrian Walkway Requirements](#)
- [KZC110 - Public Right-of-way Improvement Requirements](#)

**CITY OF KIRKLAND
HEARING EXAMINER FINDINGS,
CONCLUSIONS, AND DECISION**

APPLICANT: Curtis Gelotte for the property owners, 1009 Market Street Development, LLC

FILE NO. IIA-02-50

APPLICATION:

- 1. Site Location:** 1009 Market Street (See Exhibit A, Attachment 1)
- 2. Request:** The Applicant is requesting a Variance to allow the reduction of two of the three required front yard setbacks (See Exhibit A, Attachment 2). The 3rd Street required front yard setback would be reduced from the required 20 feet to 5 feet. The subject property currently contains one single-family residence. The existing residence is proposed to be demolished and replaced with a 4,200 square foot office building. Parking for the office building will be located in an underground garage (13 stalls) and one stall will be above ground. Access to the garage will be from a driveway off 10th Avenue West.
- 3. Review Process:** Process IIA, Hearing Examiner conducts the public hearing and makes final decision.
- 3. Major Issues:** Compliance with the variance criteria for reduction of the required front yard setbacks.

SUMMARY OF RECOMMENDATION AND DECISION:

Department of Planning and Community Development: Approve with conditions

Hearing Examiner Decision: Approve with conditions

PUBLIC HEARING:

After reviewing the official file, which included the Department of Planning and Community Development Advisory Report and after visiting the site, the Hearing Examiner conducted a

public hearing on the application. The hearing on the 1009 Market Street Development LLC application was opened at 7:00 p.m., February 6, 2003, in the Council Chamber, City Hall, 123 Fifth Avenue, Kirkland, Washington, and was closed at 8:25 p.m. Participants at the public hearing and the exhibits offered and entered are listed in this report. A verbatim recording of the hearing is available in the City Clerk's office. The minutes of the hearing and the exhibits are available for public inspection in the Department of Planning and Community Development.

PUBLIC COMMENTS:

Comments offered at the hearing are accurately summarized in the minutes of the hearing. The following persons offered comments at the hearing:

From the City:

Tony Leavitt, Project Planner
Thang Nguyen, Transportation Engineer

From the Applicant:

Curtis Gelotte, Applicant

From the Community:

The following persons all spoke in opposition to the request.

John Sproule	Jack Lynch
Phyllis Sproule	Barbara Lynch
Tom Hill	Billie Lynch
Tom LeGrande	Bill Funcannon
Melissa Thirloway	Stephen Sproule
David Lynch	

CORRESPONDENCE:

The following persons submitted correspondence in support of the application:

Wolfgang Puls and Lindy Stewart, Exhibit A, Attachment 9
DiAnn Bottomley, Exhibit A, Attachment 12

The following persons submitted correspondence in opposition to the application:

Melissa and Jeff Thirloway, Exhibit A, Attachment 4, Enclosure 6, and Exhibit A, Attachment 10, and Hearing Presentation, Exhibit C
John Sproule, Exhibit A, Attachment 4, Enclosure 7, and Exhibit A, Attachment 8
Mons and Pat Hoyrup, Exhibit A, Attachment 5
Jack, Billie and Barbara Lynch, Exhibit A, Attachment 6
Moe Pezeshk, Exhibit A, Attachment 7
Bill Funcannon, Exhibit A, Attachment 11

As noted above, many neighbors are opposed to the requested variance. The correspondence and hearing comments in opposition to the request focused on the following issues:

- Other people in the neighborhood have followed the rules, why can't the rules be followed here?
- If the variance is approved, it will set a precedence for other similar variances in the neighborhood.
- The proposal will create traffic and parking impacts for the neighborhood.
- Views may be blocked from property across Market.
- The proposed office building use is not compatible with the neighborhood.
- The proposed building is too big for the lot.
- The proposed building will create a negative impact on neighboring homes causing them to be devalued.
- Storm water runoff will impact neighboring properties.

Two people wrote letters in support of the proposal.

- The new building will enhance and add value monetarily and aesthetically to the neighborhood, and would be the highest and best use of the property.
- The proposed setbacks would be similar to side yard setbacks.

FINDINGS, CONCLUSIONS, AND DECISION:

Having considered the entire record in this matter, the Hearing Examiner now makes and enters the following:

A. FINDINGS:

1. The findings of fact recommended on pages 2 to 8 of the Department of Planning and Community Development Advisory Report (Hearing Examiner Exhibit A) are found by the Hearing Examiner to be supported by the evidence presented during the hearing and, by this reference, are adopted as part of the Hearing Examiner's findings of fact. A copy of said report is available in the Department of Planning and Community Development.
2. The adopted Zoning Code allows an applicant for any project to request a variance from certain provisions of the code if he/she feels the adopted criteria are met.
3. All three sides of the subject property are front property lines and without a variance would require 20-foot setbacks. No other developed property in the immediate neighborhood has front yard setbacks on all sides.
4. The subject site is currently zoned Professional Office Residential (PR) 3.6, which would allow an office building over 3,600 square feet in size to be constructed, with 12 surface parking stalls and 5-foot wide landscape strips between the parking and the three rights-of-way. The applicant is proposing to build an office building 4,200 square feet in size

with a 20 foot setback from Market Street, with 13 underground parking spaces and one surface parking space, and is proposing to have 7½ feet of landscaping between the building and the 3rd Street West right-of-way, and 15 feet of landscaping between the building and the 10th Avenue West right-of-way. The building overhangs would extend over the landscaping by 2½ feet on the 3rd Street West side and by 5 feet on the 10th Avenue West side. The first and second floors of the proposed building would not extend as far to the north or as far to the south as would be allowed outright by the code. If the proposed building were to be constructed without any setback variances, it would be allowed to extend approximately 8-feet further to the north and to the south, but would not be allowed to be as close to 3rd Street West or 10th Avenue West as is proposed.

5. The traffic study (Exhibit A, Attachment 4, Enclosure 3) page 3 states in part: *The additional (traffic) volume generated by the CGA project would not be detectable with traditional traffic counting equipment.* Page 4 of the same traffic study states in part: *...the proposed Curtis Gelotte Architects office building will not have a significant impact on traffic circulation in the vicinity of the site. Although the level of service at the 10th Avenue West/Market Street intersection is LOS E, the volumes generated by the project are not expected to be in conflict with the heavy northbound traffic flow which generates the low level of service.* The City's Transportation Engineer reviewed and approved the traffic study noted above.
6. The proposed project meets the adopted parking requirements of one parking space per 300 square feet of building space.
7. The proposed project will be required to meet the City's adopted requirements to control storm water.

B. CONCLUSIONS:

1. The conclusions recommended by the Department of Planning and Community Development, as set forth on pages 3 to 8 of the Department's Advisory Report (Exhibit A), accurately set forth the conclusions of the Hearing Examiner and, by this reference, are adopted as part of the Hearing Examiner's conclusions. A copy of said report is available in the Department of Planning and Community Development.
2. The real issue here is whether or not the Applicant meets the variance criteria to allow the additional 600 square feet of office space with two additional parking spaces, and not whether or not an office building should be allowed on the site.
 - An office use is an allowed use of the property and a building of approximately 3,600 square feet in size with 12 parking spaces could be constructed on the site without the need for a hearing.

- The subject site is the only site in the immediate neighborhood that is burdened by front yard setback requirements on all sides. Therefore, approval of this variance will not set a precedent.
 - No substantive evidence was submitted to show that traffic circulation would be significantly impacted if the variance were to be approved and an additional 600 square feet and an additional 2 parking spaces were to be allowed.
 - The parking requirements adopted by the City will be met and there has been no request for a variance from the parking standards. It is acknowledged that some on-street parking spaces will be lost if this project is constructed as is planned. However, a 3,600 square foot building with surface parking would need access similar if not identical to the access proposed in this application. Therefore, the Examiner believes there would be little if any difference relative to the loss of on-street parking between a building, which would be allowed as an outright use of the property, and the proposed building, which needs two setback variances.
 - A 3,600 square foot building could be constructed approximately 8 feet further to the north and 8 feet further to the south without the need for a variance. The proposed building will actually have a less detrimental impact on the views from properties across Market Street than would a building that could be built on the site without the need for a variance because the proposed building will not extend as far to the north or to the south.
 - An office building is a use that is allowed outright in the zone in which it is located.
 - The Examiner believes that the proposed building with its modulation, underground parking, and additional landscaping will make for a far superior final project than a building that could be built without any variances that would be allowed to have surface parking and substantially less landscaping.
 - No substantive evidence was submitted to show that the proposed building with the underground parking and the additional landscaping that is to be provided would more detrimental to the neighboring property than a building that could be built without a variance.
3. After review of the record and after visiting the property, and as noted above, the Examiner concurs with the staff conclusions in this matter. The proposal meets all of the adopted requirements for a variance and it should be approved.

C. DECISION:

Based upon the foregoing findings of fact and conclusions, this application for two setback variances is approved subject to the following conditions:

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Exhibit A, Attachment 3, Development Standards, is provided to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in Exhibit A, Attachment 3, the condition of approval shall be followed.
2. As part of the building or grading permit, the applicant shall submit an Arborist Report to ensure that the trees to be retained are not impacted by the development of the site (See Exhibit A, Conclusion II.F.2).

EXHIBITS:

The following exhibits were offered and entered into the record:

- A. Department of Planning and Community Development Staff Advisory Report, with 21 attachments.
- B. Display Board with Site Plan and 6 computer generated renderings.
- C. Hearing Presentation of Melissa Thirloway

PARTIES OF RECORD:

Lisa Lu, Curtis Gelotte Architects, 150 Lake Street South, Suite 208, Kirkland, WA 98033
Curtis Gelotte, 1009 Market Lt. Dev. LLC, 150 Lake Street South, Suite 208, Kirkland, WA 98033

Mons and Pat Hoyrup, 322 10th Avenue West, Kirkland, WA 98033

Jack, Billie, Barbara and David Lynch, 247 10th Ave. W, Kirkland, WA 98033

Moe Pezeshk, 1018 Market Street, Kirkland, WA 98033

John and Phyllis Sproul, 203 10th Ave. W, Kirkland WA 98033

Wolfgang Puls and Lindy Stewart, 314 10th Ave. W, Kirkland WA 98033

Jeff and Melissa Thirloway, 235 10th Ave. W, Kirkland WA 98033

Tom LeGrande, 1010 3rd St. W, Kirkland WA 98033

Bill Funcannon, 1010 Market Street, Kirkland WA 98033

DiAnn Bottomley, 311 10th Ave. W, Kirkland WA 98033

Tom Hill, 4 10th Ave. W, Kirkland, WA 98033

Department of Planning and Community Development

Department of Public Works

Department of Building and Fire Services

Entered this 14th day of February 2003, per authority granted by Section 150.65, Ordinance 2740, Zoning Code. This decision constitutes the final decision of the City of Kirkland unless an appeal is filed as specified below.



Ron McConnell, FAICP
Hearing Examiner

APPEALS AND JUDICIAL REVIEW:

The following is a summary of the deadlines and procedures for appeals. Any person wishing to file or respond to an appeal should contact the Planning Department for further procedural information.

A. APPEALS:

Appeal to City Council:

Section 150.80 of the Zoning Code allows the Hearing Examiner's decision to be appealed by the applicant and any person who submitted written or oral testimony or comments to the Hearing Examiner. The appeal must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., March 11, 2003, twenty-one (21) calendar days following the postmarked date of distribution of the Hearing Examiner's decision on the application.

B. JUDICIAL REVIEW:

Section 150.130 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within 21 calendar days of the issuance of the final land use decision by the City.

LAPSE OF APPROVAL:

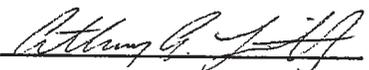
Under Section 150.135 of the Zoning Code, the applicant must submit to the City a complete building permit application approved under Chapter 150, within four (4) years after the final approval on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 150.130, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. Furthermore, the applicant must substantially complete construction approved under Chapter 150 and complete the applicable conditions listed on the Notice of Approval within six (6) years after the final approval on the matter, or the decision becomes void.



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.828.1257
www.ci.kirkland.wa.us

ADVISORY REPORT
FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

To: Kirkland Hearing Examiner

From: , Tony Leavitt, Project Planner

, Paul Stewart, AICP, Deputy Director

Date: January 16, 2003

File: IIA-02-50, 1009 MARKET STREET VARIANCE

Hearing Date and Place: February 6, 2003, 7:00 p.m.
City Hall Council Chamber
123 Fifth Avenue, Kirkland

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EXHIBIT <u>A</u>
<u>IA-62-50</u>
45

I. INTRODUCTION

A. APPLICATION

1. Applicant: Curtis Gelotte Architects for the property owners, 1009 Market Street Development, LLC
2. Site Location: 1009 Market Street (see Attachment 1)
3. Request: Applicant is requesting a Variance to allow the reduction of two of the three required front yard setbacks (see Attachment 2). The 3rd Street required front yard setback would be reduced from the required 20 feet to 5 feet and the 10th Avenue required front yard setback would be reduced from the required 20 feet to 10 feet. The subject property currently contains one single-family residence. The existing residence is proposed to be demolished and replaced with a 4,200 square foot office building. Parking for the office building will be located in an underground garage (13 stalls) and one stall will be above ground. Access to the garage will be from a driveway off 10th Avenue West.
4. Review Process: Process IIA, Hearing Examiner conducts public hearing and makes final decision.
5. Summary of Key Issues:
 - Compliance with the variance criteria for reduction of the required front yard setbacks.

B. RECOMMENDATIONS

Based on Statements of Fact and Conclusions (Section II), and Attachments in this report, we recommend approval of this application subject to the following conditions:

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 3, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in Attachment 3, the condition of approval shall be followed.
2. As part of the building or grading permit, the applicant shall submit an Arborist Report to ensure that the trees to be retained are not impacted by the development of the site (see Conclusion II.F.2).

II. FINDINGS OF FACT AND CONCLUSIONS

A. SITE DESCRIPTION

1. Site Development and Zoning:
 - a. Facts:
 - (1) Size: 8,120 square feet (.186 acres)
 - (2) Land Use: The property currently contains one single-family residence. The applicant is proposing to demolish the existing structure.

- (3) Zoning: Professional Office Residential (PR) 3.6
 - (4) Terrain: The property slopes gradually from north to south at a general slope of around 5 percent.
 - (5) Vegetation: The property contains 7 significant trees. The applicant is proposing to retain the 2 significant trees adjacent to the 10th Avenue West right-of-way. The significant tree located near the intersection of 3rd Street West and Market is located within the right-of-way and is proposed to be retained.
- b. Conclusions: Size, land use, zoning, terrain, and vegetation are not constraining factors in the review of this application.
2. Neighboring Development and Zoning:
- a. Facts: The neighboring properties are zoned the following and contain the following uses:
 - North: Zoned PR 3.6, Office building
 - West: Zoned RS 7.2, Single-family residences
 - South: Zoned PR 3.6, Single-family residence
 - East: Zoned PR 3.6, Multi-family residence and Office Buildings
 - b. Conclusion: Neighboring development and zoning are factors in the review of this application. The potential impacts should be considered in the review of the proposed variance application.

B. PUBLIC COMMENT

Facts: The comment period for the proposal ran from November 1, 2002 until November 29, 2002. The Planning Department received 8 total comment letters and e-mails (see Attachments 5 through 12). Six of the letters raised concerns about the proposed variance and two letters supported the proposal. The issues raised in the letters along with staff responses follow:

- Potential Traffic & Parking Impacts

Neighbors raised concerns about the potential traffic and parking impacts that the proposed office building would create including increased vehicles and loss of on street parking.

Staff Response: Staff has addressed potential impacts through the SEPA Review (see Attachment 4). The proposed project does meet the Kirkland Zoning Code parking requirement for an office use in this zone.
- Views

Neighbors raised concerns about the potential blockage of view if the variance were approved and mentioned a view corridor. Both letters were from business owners located on the east side of Market.

Staff Response: The proposed building will not exceed the maximum height of 25 feet above the average building elevation. The placement of rooftop appurtenances on the proposed building has not been determined at this time. The granting of the variance will not increase the impact, in terms of size and location, of the portion of the building that will be adjacent to Market.
- Zoning and Use

One letter expressed concerns about the allowance of an office building on the subject property and why this use would be allowed near a residential zone.

Staff Response: The subject property is zoned Professional Office Residential (PR) 3.6. An office use is an allowed use within this zoning designation (see Attachment 13). To mitigate potential impacts to the neighboring residential properties, the applicant will be required to maintain a maximum height of 25 feet within 100 feet of any low density residential zone and install a 15-foot wide landscaping buffer along 10th Avenue West. The applicant was granted a modification by Staff for the required landscaping strip along 3rd Street West (see Attachment 14). The applicant is required to install a 7.5 foot wide landscape strip along this side of the property.

Size and Scale of the Building

One letter expressed concerns about the size of the proposed building and that the property is "too small" for this type of development.

Staff Response: The subject property is 8,120 square feet in size and the proposed building would have a gross floor area of 4,200 square feet. There have not been many recent office projects in the immediate area, but one example is the office project at the corner of 11th Avenue West and Market Street. Currently, a 5,687 square foot office building is being constructed on this property. This project did not require a variance, but is larger in proportion to the lot size than the proposed office building (see table below). If the variance is approved, the variance would allow a larger building than could be built through strict application of the code. However, staff concluded in Section II.E that the variance is reasonable and necessary due to site constraints.

Project	Gross Floor Area	Property Size	GSF/Prop Size
1009 Market Office	4,200	8,120	51.72
312 11th Avenue Office	5,687	8,880	64.04

C. STATE ENVIRONMENTAL POLICY ACT (SEPA)

Facts: A Determination of Nonsignificance (DNS) was issued on December 26, 2002. The Environmental Checklist, Determination, and additional environmental information are included as Attachment 4.

Conclusion: The applicant and the City have satisfied the requirements of SEPA. The applicant must fulfill the conditions set fourth in the Determination of Nonsignificance.

D. CONCURRENCY

Facts: The Public Works Department has reviewed the application for concurrency. A concurrency test was passed for traffic on July 22, 2002 and for water and sewer on September 30, 2002.

Conclusion: The proposal meets the City's concurrency requirements (see Attachments 3 & 4).

E. APPROVAL CRITERIA

1. Variance:

- a. Facts: Zoning Code Chapter 120 sets forth the mechanism whereby a provision of the Code may be varied on a case-by-case basis if the application of the provision would result in an unusual and unreasonable hardship.

Zoning Code section 120.20 establishes three decisional criteria with which a variance request must comply in order to be granted. The applicant's response to these criteria can be found in Attachment 15. Section II.E.2 contains the staff findings of facts and conclusions based on these three criteria.

- b. Conclusion: Based on the following analysis, the application meets the established criteria for a variance.
2. Variance Criterion 1: The variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City, in part or as a whole.

a. Facts:

- (1) The required front setback of 20 feet from the Market Street property line will be maintained as part of this proposal. As part of the Development Standards for this proposal (see Attachment 3) the applicant will be required to reconfigure the sidewalk and install a landscaping strip with street trees within the Market Street right-of-way adjacent to the subject property.
- (2) The required front setback of 20 feet from the 3rd Street West property line will be reduced to 5 feet as part of this proposal. The neighbors adjacent to the subject property on 3rd Street West have agreed to allow the modification of the required 15 foot landscape strip (see Attachment 14) to the 7.5 foot strip the applicant is proposing.
- (3) The required front setback of 20 feet from the 10th Avenue West property line will be reduced to 10 feet as part of this proposal. The bulk of the structure will be setback 15 feet from the property line with bay windows and eaves encroaching the additional five feet. The landscape strip along this property line will not be modified as part of this proposal. The applicant will be required to install the following within this landscape strip:
 - Two rows of trees planted eight feet on center along the entire length of the buffer. No more than 50 percent of the required trees may be deciduous.
 - Shrubs, 18 inches high, planted to attain coverage of at least 60 percent of the buffer area within two years.
- (4) One potential impact would be the loss of perceived openness of the street corridors to reduced setbacks. The site is located on an unusual parcel surrounded by two 60 foot right-of-ways and one 80 foot right-of-way.
- (5) The applicant is proposing an underground parking structure, residential styled roof forms, and retention of two major onsite trees near the 10th Avenue right-of-way.

b. Conclusion:

- (1) The granting of the variance would not have an impact on the Market Street side of the subject property or adjacent properties.
- (2) The granting of the variance on the 3rd Street West side of the property would move the proposed structure closer to the adjacent properties, but the neighbors have agreed to a landscape strip modification that allowed the applicant to proceed with the variance request.

- (3) The granting of the variance on the 10th Avenue West side of the property would move the structure closer to adjacent properties, but impacts would be lessened by the required 15 foot wide landscape strip and right-of-way separation.
 - (4) The unique triangular shaped site will continue to provide significant openness around the perimeter with the significant public right-of-ways on all three sides in addition to the setbacks that will be maintained.
 - (5) Design measures proposed by the applicant will lessen any visual impacts on adjoining properties.
 - (6) Staff concludes that the proposed variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City, in part or as a whole.
3. Variance Criterion 2: The variance is necessary because of special circumstances regarding the size, shape, topography, or location of the subject property, or the location of preexisting improvements on the subject property that conformed to the Zoning Code in effect when the improvement was constructed.
 - a. Facts:
 - (1) The subject property is located at the intersection of 3rd Street West, 10th Avenue West, and Market Street and triangular in shape.
 - (2) Kirkland Zoning Code section 5.10.720 (1) defines a front property line as any property line that is adjacent to a street or vehicular access easement or tract more than 21 feet in width. All three of the adjacent right-of-ways are more than 21 feet in width.
 - (3) Kirkland Zoning Code section 5.10.775 (1) defines a required front yard as that portion of a lot adjacent to and parallel with any front property lines. As a result, the subject property contains three required front yards. In the Professional Office Residential (PR) zone, an Office use is required to maintain a 20 foot setback within a required front yard.
 - (4) These required setbacks result in the subject property having a total area of approximately 1,753 square feet or 21.6% of the total lot area, referred to as "buildable area", that is not located within a required setback yard.
 - (5) An analysis prepared by the applicant, and reviewed by staff, shows that neighboring properties within the same area on average have 54.6% of the total lot area that is not located within a required setback yard (see Attachment 16).
 - b. Conclusion: The subject property is constrained by the fact that it is surrounded by three right-of-ways and that all property lines are considered to be front property lines. The amount of "buildable area" on the subject property makes any development of the property difficult. A variance is necessary due to special circumstances due to location, size, and shape of the subject property.
4. Variance Criterion 3: The variance would not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this Code allows for other properties in the same area and zone as the subject property.
 - (1) The applicant is requesting a variance to allow the construction of a 4,200 square foot office building.

- (2) The subject property is highly unique for the City of Kirkland. It is one of three triangular shaped parcels with right-of-ways on all three sides that are within the City of Kirkland. The other two properties, located at 1715 Market and near the 1300 block of Market, are developed with an office and park respectively. The existing structure at 1715 Market is legal nonconforming structure that has a staircase and awning that extend into a required front yard setback (see Attachment 18)
- (3) The subject property is zoned Professional Office Residential (PR) 3.6 and allows for office uses.
- (4) The proposed office building would be similar in size to two recent projects that were approved by the city at 1010 Market Street and 312 11th Avenue West (see below). Neither of these projects required a zoning code variance, but both projects were constructed on similar sized lots.

Project	Gross Floor Area	Property Size	GSF/Prop. Size
1009 Market Office	4,200	8,120	51.72
1010 Market Office	4,199	10,384	40.44
312 11th Avenue Office	5,687	8,880	64.04

- b. Conclusion: The granting of this variance would not constitute a special privilege to the subject property as the proposed office project on the subject property is similar in size to two recent projects that have been approved in the same area and zone. The uniqueness of the subject property creates unusual setback requirements that these other two projects did not incur.
1. Fact: Zoning Code section 150.65.3 states that a Process IIA application may be approved if:
 - a. It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
 - b. It is consistent with the public health, safety, and welfare.
 2. Conclusion: The proposal complies with the criteria in section 150.65.3. It is consistent with all applicable development regulations (see Sections II.E & F) and the Comprehensive Plan (see Section II.G). In addition, it is consistent with the public health, safety, and welfare because the proposed development will create infill development while meeting the goals of the Comprehensive Plan for the Market Neighborhood.

F. DEVELOPMENT REGULATIONS

1. Right-of-Way Improvements
 - a. Facts: Zoning Code Chapter 110 establishes right-of-way improvement requirements. Sections 110.10 and 110.25 require the applicant to make half street improvements in rights-of-way abutting the subject property. The subject property abuts 3rd Street West, 10th Avenue West, and Market Street. The Public Works Department has outlined the required right-of-way improvements in the Development Standards (see Attachment 3).
 - b. Conclusions: The applicant should improve the portions 3rd Street West, 10th Avenue West, and Market Street that abut the subject property according to the requirements of the Public Works Department. These improvements include:

- The sidewalk along Market Street shall be removed and replaced with 4.5 ft. wide landscape strip between the sidewalk and the curb. The landscape strip shall have street trees planted 30 feet on-center.
- The other sidewalks, along 3rd Street West and 10th Avenue West, may remain in their current location however, any cracked sections or unused driveways shall be removed and replaced. Also, any cracked curb and gutter shall be removed and replaced.
- Painting the curb red between Market Street and the project driveway on the north side of 10th Avenue.
- Painting the curb red between Market Street and the project driveway on the north side of 3rd Street West.
- Painting the curb red within 10 feet of the project driveways.

2. Natural Features - Significant Vegetation

- a. Facts: Zoning Code section 95.15 states that the applicant shall retain significant trees on the subject property to the maximum extent possible. The City may require minor alterations in the arrangement of buildings and other elements of the proposed development in order to achieve maximum retention of significant trees.

The subject property contains 7 significant trees. The applicant proposes to retain 2 significant trees (see Attachment 19) near the 10th Avenue West right-of-way.

- b. Conclusion: The proposal meets the requirements of Kirkland Zoning Code section 95.15 for tree retention. As part of the building or grading permit, the applicant should submit an Arborist Report to ensure that the trees to be retained are not impacted by the development of the site.

G. COMPREHENSIVE PLAN

1. Fact: The subject property is located within the Market neighborhood. Figure on MNH-2 page XV.J-3 designates the subject property for Office/ Multi-family (see Attachment 17).
2. Conclusion: The proposal is consistent with the Office/ Multi-family designation, within the Comprehensive Plan, for the subject property.

H. DEVELOPMENT REVIEW COMMITTEE

1. Fact: Additional comments and requirements placed on the project are found on the Development Standards Sheet, Attachment 3.
2. Conclusion: The applicant should follow the requirements set forth in Attachment 3.

III. MINOR MODIFICATIONS

The Department of Planning and Community Development shall be administratively authorized to approve modifications to the approved site plan, unless:

- A. There is a change in use and the Zoning Code establishes different or more rigorous standards for the new use than for the existing use; or
- B. The Planning Director determines that there will be substantial changes in the impacts on the neighborhood or the City as a result of the change.

IV. APPEALS AND JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for appeals. Any person wishing to file or respond to an appeal should contact the Planning Department for further procedural information.

A. APPEALS

Appeal to City Council:

Section 150.80 of the Zoning Code allows the Hearing Examiner's decision to be appealed by the applicant and any person who submitted written or oral testimony or comments to the Hearing Examiner. The appeal must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., _____, twenty-one (21) calendar days following the postmarked date of distribution of the Hearing Examiner's decision on the application.

B. JUDICIAL REVIEW

Section 150.130 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within 21 calendar days of the issuance of the final land use decision by the City.

V. LAPSE OF APPROVAL

Under Section 150.135 of the Zoning Code, the applicant must submit to the City a complete building permit application approved under Chapter 150, within four (4) years after the final approval on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 150.130, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. Furthermore, the applicant must substantially complete construction approved under Chapter 150 and complete the applicable conditions listed on the Notice of Approval within six (6) years after the final approval on the matter, or the decision becomes void.

VI. APPENDICES

Attachments 1 through 21 are attached.

1. Vicinity Map
2. Development Plans
3. Development Standards
4. Environmental Determination
5. Email from Mons and Pat Hoyrup
6. Letter from Jack, Billie, and Barbara Lynch
7. Letter from Moe Pezeshk
8. Letter from John Sproul
9. Letter from Wolfgang Puls and Lindy Stewart
10. Letter from Jeff and Melissa Thirloway
11. Letter from Bill Funcannon
12. Letter from DiAnn Bottomley
13. Zoning Use Chart for the PR Zone
14. Landscape Modification Request and Approval
15. Applicant's Response to the Variance Criteria
16. "Buildable Area" Analysis prepared by the Applicant
17. Comprehensive Plan Map
18. Site Plan for an Administrative Variance for the Office at 1715 Market

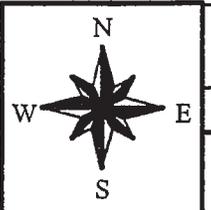
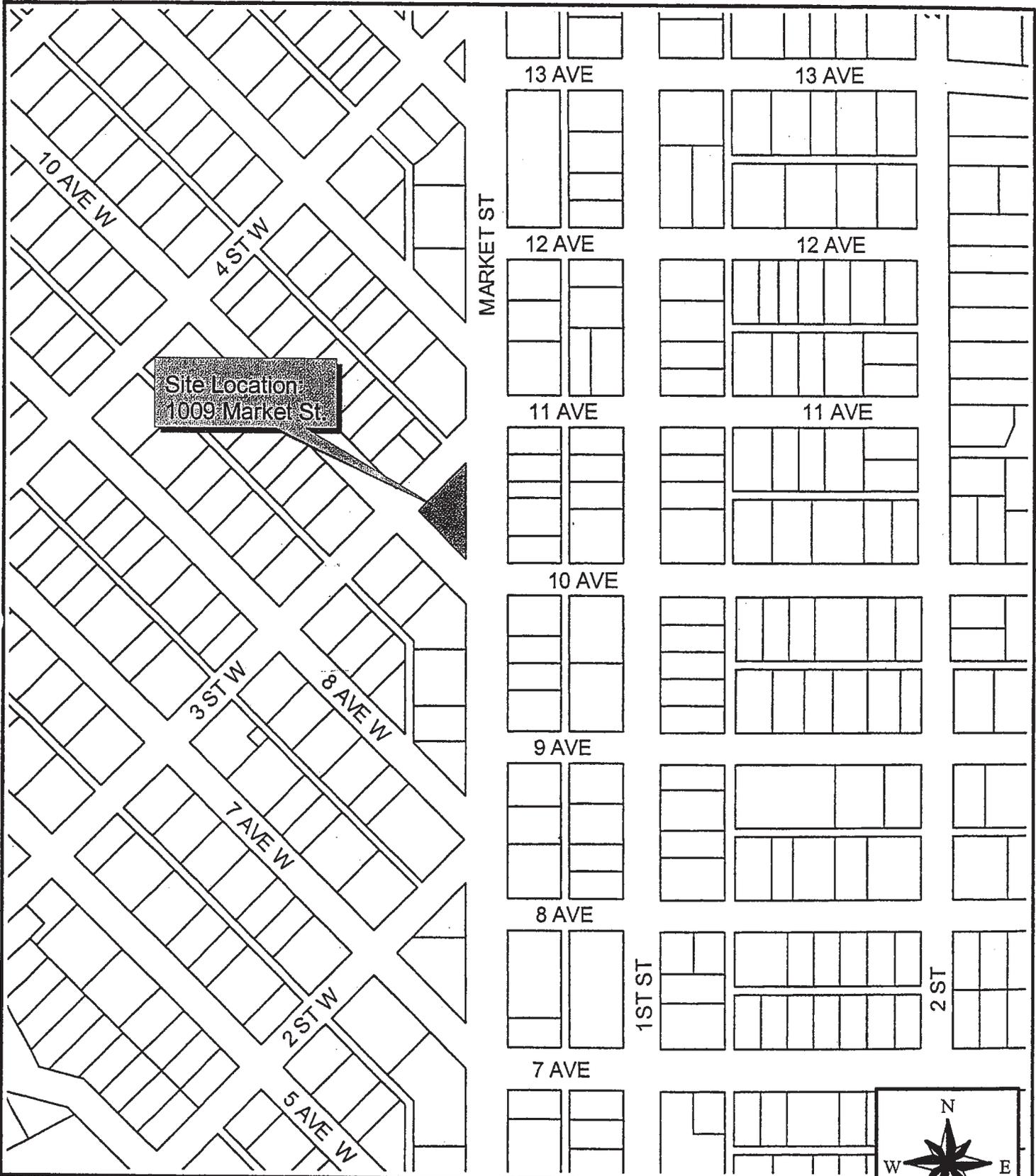
19. Tree Retention Plan
20. Concomitant Agreement
21. Landscape Maintenance Agreement

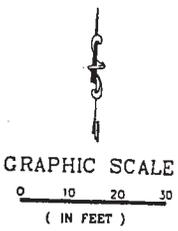
VII. PARTIES OF RECORD

Lisa Lu, Curtis Gelotte Architects, 150 Lake Street South, Suite 208, Kirkland, WA 98033 (Applicant)
1009 Market St. Dev. LLC, 150 Lake Street South, Suite 208, Kirkland, WA 98033 (Property Owner)
Mons and Pat Hoyrup, 322 10th Avenue West, Kirkland, WA 98033 (Party of Record)
Jack, Billie, and Barbara Lynch, 247 10th Avenue West, Kirkland, WA 98033 (Party of Record)
Moe Pezeshk, 1018 Market Street, Kirkland, WA 98033 (Party of Record)
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DiAnn Bottomley, 311 10th Avenue West, Kirkland, WA 98033 (Party of Record)
Department of Planning and Community Development
Department of Public Works
Department of Building and Fire Services

A written decision will be issued by the Hearing Examiner within eight calendar days of the date of the open record hearing.

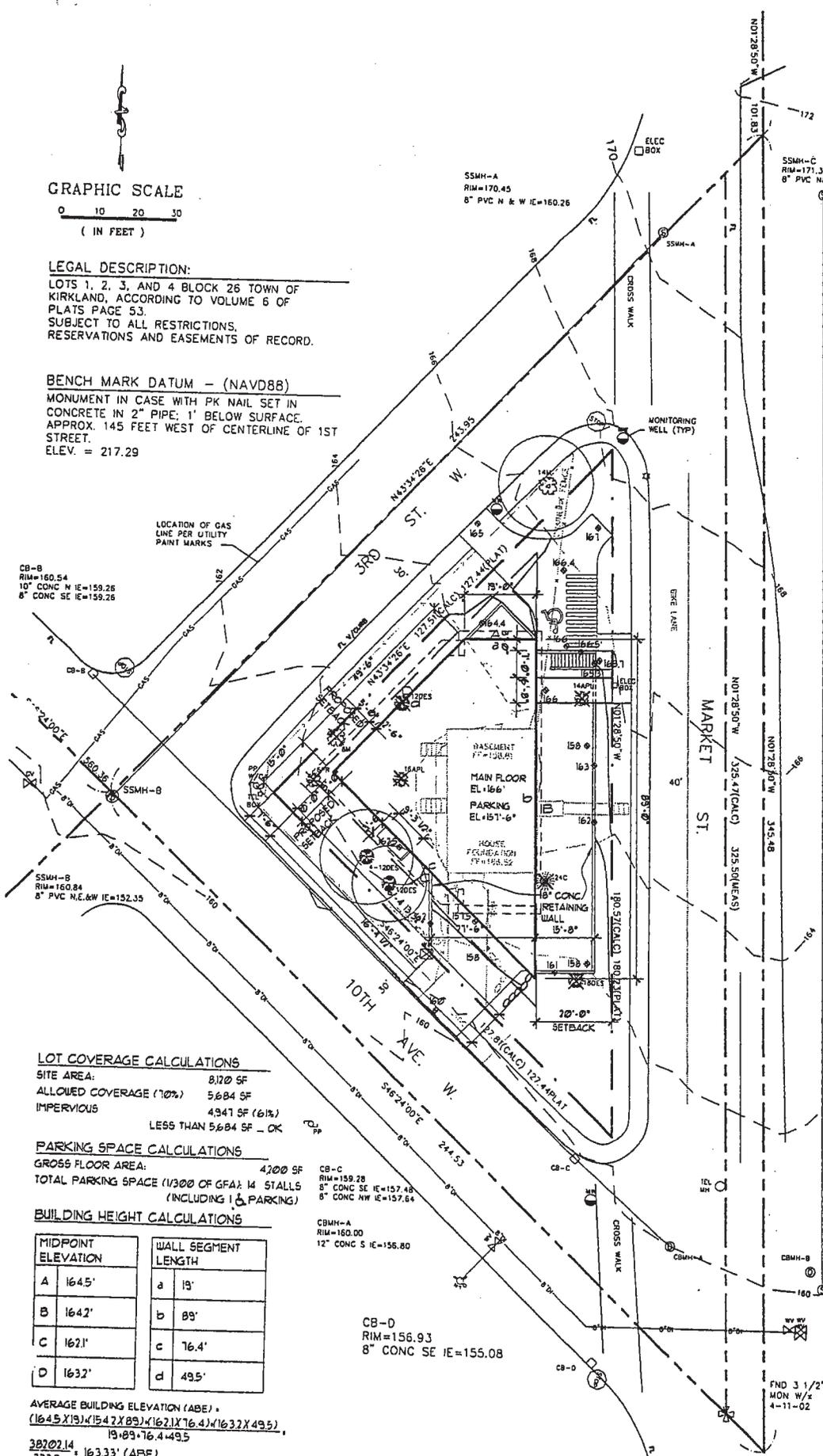
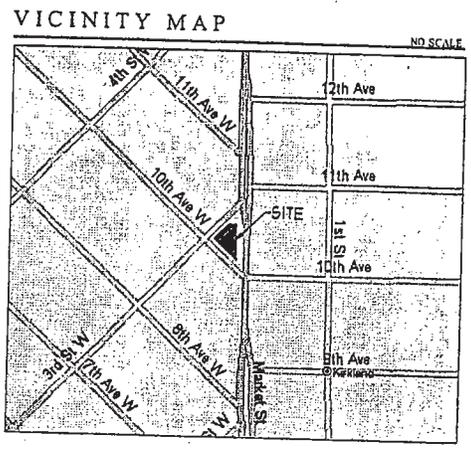
1009 Market Street Variance (IIA-02-50)





LEGAL DESCRIPTION:
LOTS 1, 2, 3, AND 4 BLOCK 26 TOWN OF
KIRKLAND, ACCORDING TO VOLUME 6 OF
PLATS PAGE 53.
SUBJECT TO ALL RESTRICTIONS,
RESERVATIONS AND EASEMENTS OF RECORD.

BENCH MARK DATUM - (NAVD88)
MONUMENT IN CASE WITH PK NAIL SET IN
CONCRETE IN 2" PIPE, 1' BELOW SURFACE,
APPROX. 145 FEET WEST OF CENTERLINE OF 1ST
STREET.
ELEV. = 217.29



LOT COVERAGE CALCULATIONS
SITE AREA: 8120 SF
ALLOWED COVERAGE (70%): 5684 SF
IMPERVIOUS: 4347 SF (61%)
LESS THAN 5684 SF - OK

PARKING SPACE CALCULATIONS
GROSS FLOOR AREA: 4200 SF
TOTAL PARKING SPACE (1/300 OF GFA): 14 STALLS
(INCLUDING 1 CAR PARKING)

BUILDING HEIGHT CALCULATIONS

MIDPOINT ELEVATION	WALL SEGMENT LENGTH
A 164.5'	a 13'
B 164.2'	b 89'
C 162.1'	c 76.4'
D 163.2'	d 49.5'

AVERAGE BUILDING ELEVATION (ABE) =
 $(164.5 \times 13) + (154.2 \times 89) + (162.1 \times 76.4) + (163.2 \times 49.5)$
 $13 \times 89 = 1157$
 $1157 + 163.33 = 1772.33$
 $1772.33 / 10 = 177.23$
177.23 + 1.5 = 178.73 (ABE)

SITE PLAN
1" = 20'-0"

NO.	DATE	REVISION

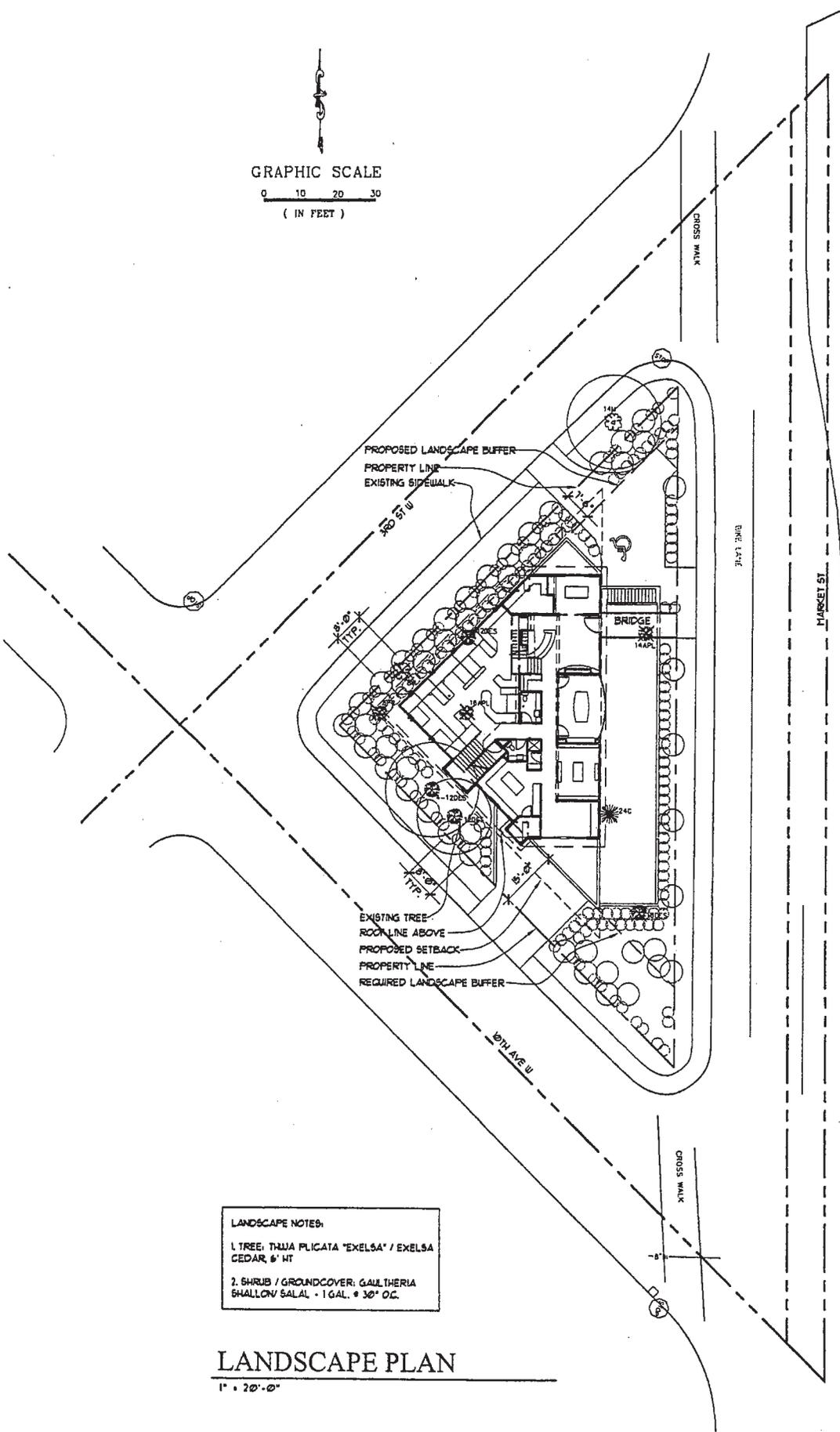
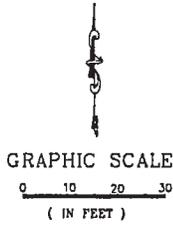
CURTIS GELOTTE
Architects
3511 REGISTERED ARCHITECT
150 Lake St. S.
Suite 208
Kirkland, WA 98033
T 425.828.3081
F 425.822.2152
CURTIS GELOTTE
STATE OF WASHINGTON

CGA OFFICE

1009 MARKET STREET
KIRKLAND, WA 98033

SITE PLAN

DATE: 08/15/02



LANDSCAPE NOTES:
1. TREE, TAXUS PLICATA "EXELSA" / EXELSA CEDAR, 6' HT
2. SHRUB / GROUNDCOVER, GAULTHERIA SHALLOON SALAL - 1 GAL. # 30" OC.

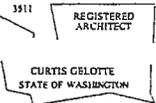
LANDSCAPE PLAN
1" = 20'-0"

NO.	DATE	REVISION



CURTIS GELOTTE
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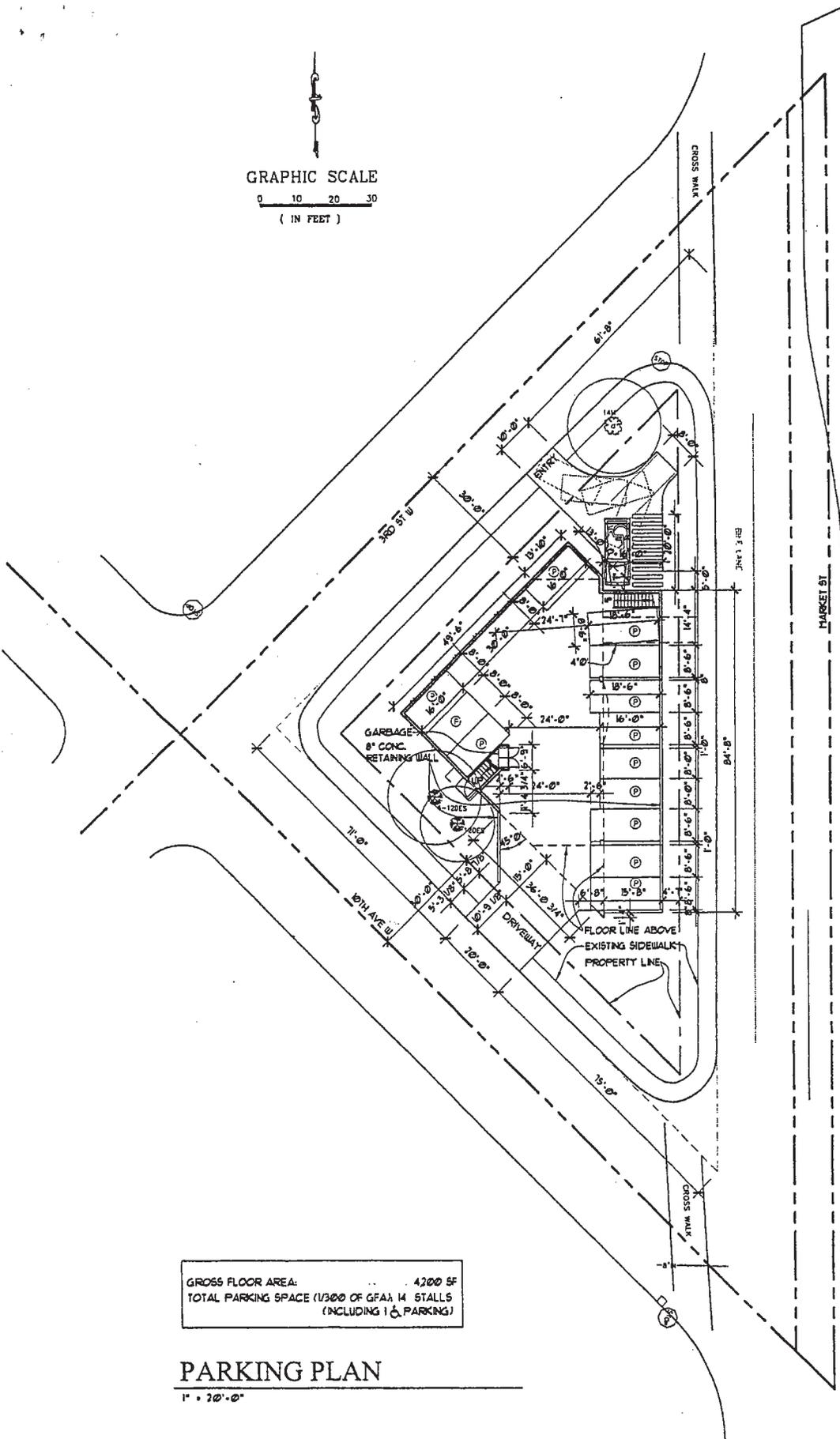
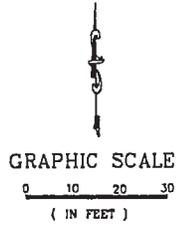


CGA OFFICE

1009 MARKET STREET
KIRKLAND, WA 98033

LANDSCAPE PLAN

DATE: 08/15/02
JOB NUMBER: 0215
FILE: A1.1.dwg
SHEET NO: V2



GROSS FLOOR AREA: 4200 SF
TOTAL PARKING SPACE (1/300 OF GFA) 14 STALLS
(INCLUDING 1 ♿ PARKING)

PARKING PLAN

1" = 20'-0"

NO.	DATE	REVISION



CURTIS GELOTTE
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F 425.822.2152

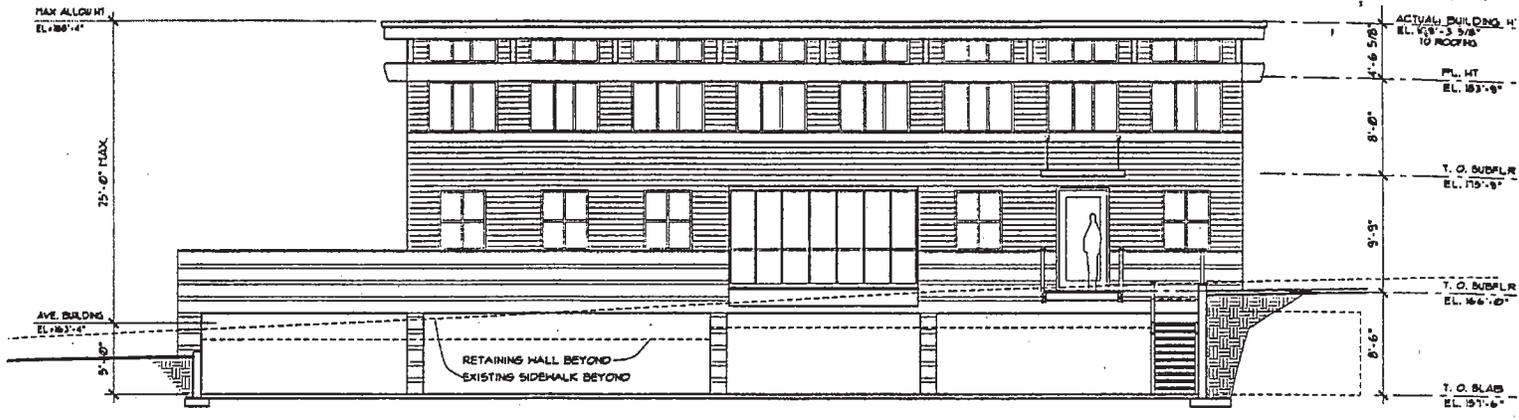
3511 REGISTERED ARCHITECT
CURTIS GELOTTE
STATE OF WASHINGTON

CGA OFFICE

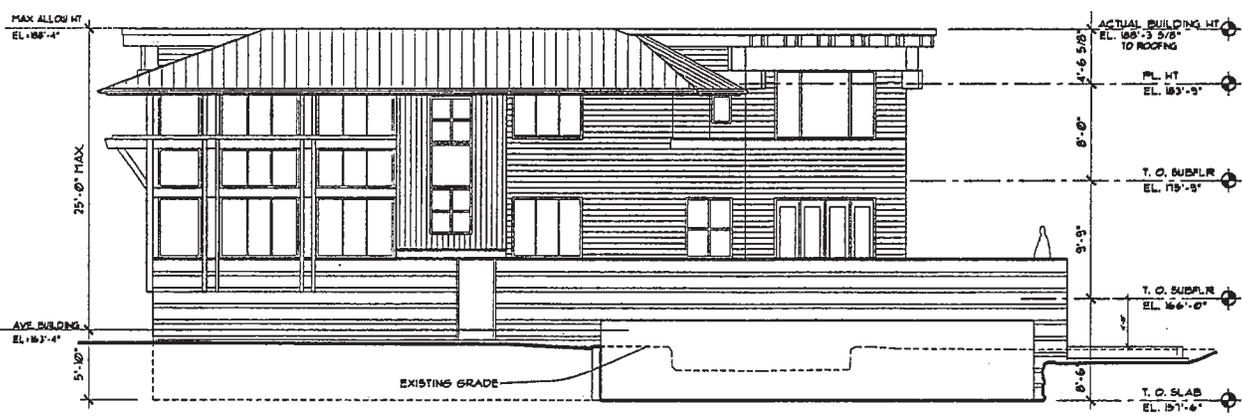
1009 MARKET STREET
KIRKLAND, WA 98033

PARKING PLAN

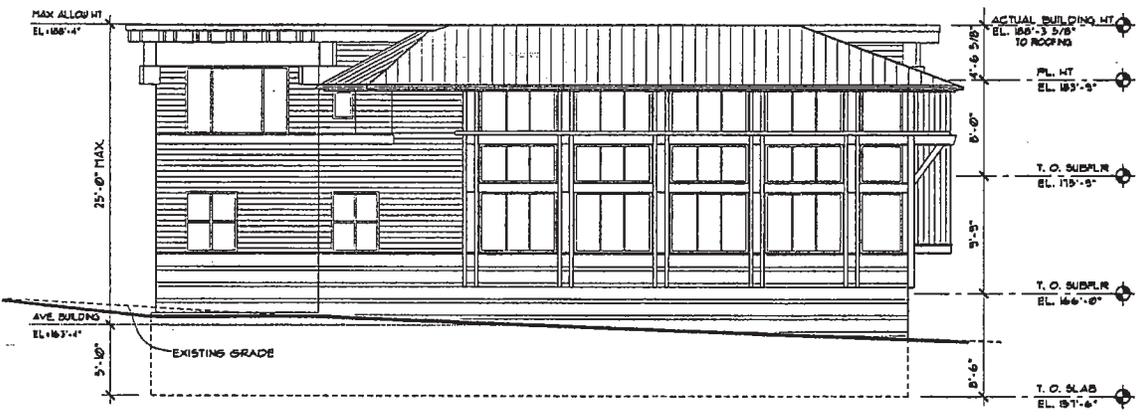
DATE: 08/15/02
JOB NUMBER: 0215
FILE: A1.1.dwg
SHEET NO: V3



EAST ELEVATION



SOUTHWEST ELEVATION



NORTHWEST ELEVATION

NO.	DATE	REVISION



CURTIS GELOTTE
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3511 REGISTERED ARCHITECT
CURTIS GELOTTE
STATE OF WASHINGTON

CGA OFFICE

1009 MARKET STREET
KIRKLAND, WA 98033

EXTERIOR ELEVATIONS

DATE: DW15/02
JOB NUMBER: 0215
FILE: oxolevs.dwg
SHEET NO: V5



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.828.1257
www.ci.kirkland.wa.us

DEVELOPMENT STANDARDS LIST
File: IIA-02-50

Zoning Code Standards

- 100.25 Sign Permits. Separate sign permit(s) are required.
- 105.18 Pedestrian Walkways. All uses, except single family dwelling units and duplex structures, must provide pedestrian walkways designed to minimize walking distances from the building entrance to the right of way and adjacent transit facilities.
- 105.18 Bicycle Parking. All uses, except single family dwelling units and duplex structures, must provide covered bicycle parking within 50 feet of an entrance to the building.
- 105.18 Entrance Walkways. All uses, except single family dwellings and duplex structures, must provide pedestrian walkways between the principal entrances to all businesses, uses, and/or buildings on the subject property.
- 105.18 Service Bay Locations. All uses, except single family dwellings and multifamily structures, must locate service bays away from pedestrian areas.
- 105.18 Overhead Weather Protection. All uses, except single family dwellings, multifamily, and industrial uses, must provide overhead weather protection along any portion of the building, which is adjacent to a pedestrian walkway.
- 105.18.2 Walkway Standards. Pedestrian walkways must be at least 5' wide; must be distinguishable from traffic lanes by pavement texture or elevation; must have adequate lighting for security and safety. Lights must be non-glare and mounted no more than 20' above the ground.
- 105.18.2 Weather Protection Standards. Overhead weather protection may be composed of awnings, marquees, canopies or building overhangs; must cover at least 3' of the width of the adjacent walkway; and must be at least 8 feet above the ground immediately below it.
- 105.20 Required Parking. 14 parking spaces are required for this office use.
- 105.65 Compact Parking Stalls. Up to 50% of the number of parking spaces may be designated for compact cars.
- 105.60.2 Parking Area Driveways. Driveways which are not driving aisles within a parking area shall be a minimum width of 20 feet.
- 105.60.3 Wheelstops. Parking areas must be constructed so that car wheels are kept at least 2' from pedestrian and landscape areas.
- 105.60.4 Parking Lot Walkways. All parking lots which contain more than 25 stalls must include pedestrian walkways through the parking lot to the main building entrance or a central location.
- 105.75 Landscape Islands. Landscape islands must be included in parking areas as provided in this Section.
- 105.77 Parking Area Curbing. All parking areas and driveways, for uses other than detached dwelling units must be surrounded by a 6" high vertical concrete curb.

105.80 Parking Area Buffers. Applicant shall buffer all parking areas and driveways from the right-of-way and from adjacent property with a 5-foot wide strip as provided in this section.

110.60.8 Street Trees. All trees planted in the right-of-way must be approved as to species by the City. All trees must be two inches in diameter at the time of planting as measured using the standards of the American Association of Nurserymen with a canopy that starts at least six feet above finished grade and does not obstruct any adjoining sidewalks or driving lanes.

115.25 Work Hours. It is a violation of this Code to engage in any development activity or to operate any heavy equipment before 7:00 am. or after 8:00 pm Monday through Friday, or before 9:00 am or after 6:00 pm Saturday. No development activity or use of heavy equipment may occur on Sundays or on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. The applicant will be required to comply with these regulations and any violation of this section will result in enforcement action, unless written permission is obtained from the Planning official.

115.40 Fence Location. Fences over 6 feet in height may not be located in a required setback yard. A detached dwelling unit abutting a neighborhood access or collector street may not have a fence over 3.5 feet in height within the required front yard. No fence may be placed within a high waterline setback yard or within any portion of a north or south property line yard, which is coincident with the high waterline setback yard.

115.45 Dumpster Screening. For uses other than detached dwelling units, duplexes, moorage facilities, parks, and construction sites, all garbage receptacles and dumpsters must be screened from view from the street and from adjacent properties by a solid sight-obscuring enclosure.

115.75.2 Fill Material. All materials used as fill must be non-dissolving and non-decomposing. Fill material must not contain organic or inorganic material that would be detrimental to the water quality, or existing habitat, or create any other significant adverse impacts to the environment.

115.90 Calculating Lot Coverage. The total area of all structures and pavement and any other impervious surface on the subject property is limited to a maximum percentage of total lot area. See the Use Zone charts for maximum lot coverage percentages allowed. Section 115.90 lists exceptions to total lot coverage calculations including: wood decks; access easements or tracts serving more than one lot that does not abut a right-of-way; detached dwelling unit driveways that are outside the required front yard; grass grid pavers; outdoor swimming pools; and pedestrian walkways. See Section 115.90 for a more detailed explanation of these exceptions.

115.95 Noise Standards. The City of Kirkland adopts by reference the Maximum Environmental Noise Levels established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-60 WAC. Any noise, which injures, endangers the comfort, repose, health or safety of persons, or in any way renders persons insecure in life, or in the use of property is a violation of this Code.

115.115.3.g Rockeries and Retaining Walls. Rockeries and retaining walls are limited to a maximum height of four feet in a required yard unless certain modification criteria in this section are met. The combined height of fences and retaining walls within five feet of each other in a required yard is limited to a maximum height of 6 feet, unless certain modification criteria in this section are met.

115.115.5.c Driveway Setbacks. Parking areas and driveways for uses other than detached dwelling units and attached and stacked dwelling units in residential zones, may be located within required setback yards, but, except for the portion of any driveway which connects with an adjacent street, not closer than 5 feet to any property line.

115.120 Rooftop Appurtenance Screening. Vents, mechanical penthouses, elevator equipment and similar appurtenances that extend above the roofline must be surrounded by a solid sight obscuring screen, unless certain conditions are met.

115.135 Sight Distance at Intersection. Areas around all intersections, including the entrance of driveways onto streets, must be kept clear of sight obstruction as described in this section.

150.22.2 Public Notice Signs. Within seven (7) calendar days after the end of the 21-day period following the City's final decision on the permit, the applicant shall remove all public notice signs and return them to the Department of Planning and Community Development. The signs shall be disassembled with the posts, bolts, washer, and nuts separated from the sign board.

Prior to issuance of a grading or building permit:

95.15.4 Tree Protection Techniques. In order to provide the best possible conditions for the retention of significant trees, the applicant shall construct a temporary but immovable 4 foot high chain-link fence generally corresponding to the drip line of each tree or group of trees shown on the tree retention plan to be retained (see Attachment). Additional tree protection measures may be required of the applicant. The protective fencing must remain in place throughout the demolition, clearing, grading, excavation, and construction processes, including the construction of homes. No grading, operation of heavy equipment, stockpiling, or excavation may occur inside the protective fences.

Prior to occupancy:

107.90 Maintenance Bonds. The applicant shall establish a two-year maintenance bond to ensure maintenance of the storm water system.

110.60.5 Landscape Maintenance Agreement. The owner of the subject property shall sign a landscape maintenance agreement, in a form acceptable to the City Attorney, to run with the subject property to maintain landscaping within the landscape strip and landscape island portions of the right-of-way (see Attachment 21). It is a violation to pave or cover the landscape strip with impervious material or to park motor vehicles on this strip.

CITY OF KIRKLAND
 123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189 (425) 828-1144

PERMIT NO.: ZON02-00021

DATE: 1/13/2003

PERMIT CONDITIONS AS FOLLOWS:

- 1) *****FIRE DEPARTMENT CONDITIONS*****
- 2) The existing hydrant on 10th Avenue West shall be equipped with a 5" Stortz fitting.
- 3) If the gross square footage of the building, including parking, is over 6,000, the building shall be provided with a fire sprinkler system and a fire alarm system.
- 4) Fire extinguishers required.
- 5) **PUBLIC WORKS CONDITIONS:**
- 6) **CERTIFICATE OF CONCURRENCY:** This project has been reviewed and approved for water, sewer, and traffic concurrency. Any water and sewer mitigating conditions are listed within the conditions below. Any traffic mitigating conditions will be found in an attached memorandum from the Public Works Traffic Engineering Analyst to the Planning Department Project Planner. Upon issuance of this permit, this project shall have a valid Certificate of Concurrency and concurrency vesting until the permit expires. This condition shall constitute issuance of a Certificate of Concurrency pursuant to chapter 25.12 of the Kirkland Municipal Code.
- 7) Do not build over existing utility lines.
- 8) 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.
- 9) 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.
- 10) 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).
- 11) **SANITARY SEWER CONDITIONS:**
- 12) Connect the new building to the existing side sewer or install a new side sewer to the sewer main in 3rd St. W. The floor drains in the parking garage must be connected to the sanitary sewer. The depth of the drains may require a pump to lift the drainage up to the side sewer depth.
- 13) **WATER SYSTEM CONDITIONS:**
- 14) Provide a new water service to the building sized per the UPC. The existing water service may be utilized for domestic service if it is adequate in size or it can be used as an irrigation service. If it is not used, it shall be abandoned at the water main.
- 15) **STORM WATER CONDITIONS:**
- 16) Provide temporary and permanent storm water control per the 1998 King County Surface Water Design Manual.
- 17) Storm detention calculations for the entire site are required.
- 18) Provide an erosion control plan with Building or Land Surface Modification Permit application. The plan shall be in accordance with the 1998 King County Surface Water Design Manual.
- 19) All roof drainage must be tight-lined to the storm drainage system.
- 20) **STREET IMPROVEMENT CONDITIONS:**
- 21) The subject property abuts Market St., 10th Ave. W., and 3rd St. W. These streets are an Arterial (Market St) and Neighborhood Access type streets. 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:
- 22) The City street design standards call for a landscape strip with street trees between the curb and the sidewalk. This property has existing sidewalk, on all three street frontages, directly adjacent the curb. Although all three frontages don't meet the current standards, Market St. is in the most need of a landscape strip in order to provide a buffer between the pedestrians and traffic. Thus, as a condition of development, the sidewalk along Market St. shall be removed and replaced with 4.5 ft. wide landscape strip between the sidewalk and the curb. The landscape strip shall have street trees planted 30 ft. on-center. The other sidewalks may remain in their current location however, any cracked sections or unused driveways shall be removed and replaced. Also, any cracked curb and gutter shall be removed and replaced.
- 23) A 2-inch asphalt street overlay will be required where more than three utility trench crossings occur with 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.
- 24) The location of the proposed ADA van accessible stall on the north end of the building has been reviewed and approved.
- 25) 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.

PERMIT CONDITIONS AS FOLLOWS:

- 26) Underground all new and "existing" on-site utility lines and overhead transmission lines.
- 27) 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 infeasible. If undergrounding is not feasible, the applicant is required to sign a concomitant agreement to underground the overhead lines at a future date. In this case, the Public Works Director has determined that undergrounding of existing overhead utility lines on 3rd St. W. and 10th Ave. W is infeasible at this time and the undergrounding of off-site/frontage transmission lines should be deferred with a concomitant agreement. The applicant shall submit a signed and notarized concomitant agreement, as set forth in Attachment 20, to underground all existing utility lines bordering the subject property to be approved by the Department of Public Works and recorded with the King County Records and Elections Division.
- 28) This project is subject to the traffic impact fees per Chapter 27.04 of the Kirkland Municipal Code. The impact fees shall be paid prior to issuance of the Building Permit(s) for the proposed project. A \$966 credit will be given for the existing single family home.
- 29) 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.
- 30) *****BUILDING DEPARTMENT CONDITIONS*****
- 31) An elevator need not be provided between floor levels (including garage) in a building containing less than 3000sf each. See Section 1103.2.2 for additional requirements in Exception 2.
- 32) Buildings must comply with 1997 editions of the Uniform Building, Mechanical, Plumbing and Fire Codes as adopted and amended by the State of Washington and the City of Kirkland.
- 33) Structure must comply with Washington State Energy Code (WAC 51-11); and the Washington State Ventilation and Indoor Air Quality Code (WAC 51-13).
- 34) Structures must be designed for seismic zone III, wind speed of 80 miles per hour and exposure B.
- 35) The applicant is cautioned to investigate the implications of the Americans with Disabilities Act on the construction of this project. For more information the applicant may contact Mr. James Raggio, Office of the General Counsel, Architectural and Transportation Barriers Compliance Board, 1111 18th Street, N.W., Suite 501, Washington, DC 20036, Ph# (202) 653-7834.
- 36) Demolition permit(s) required for removal of existing structures. Ref.: UBC Section 106.1
- 37) Overhangs (eaves) may extend no closer than 2' to property line. If overhang is between 2 to 3' to property line it must be of one hour construction. Ref.: UBC 503.2.1, 705
- 38) Garage must be ventilated in accordance with UBC 1202.2.7
- 39) An accessible route of travel shall be provided from the main entrance to the public way. If accessible route of travel crosses a vehicular driving area then a 36" wide sidewalk must be provided with truncated domes having a diameter of .9" nominal, a height of .2" nominal and a center-to-center spacing of 2.35" nominal and shall contrast with the adjoining surfaces. Ref.: WAC 51-30-1103.2.2, 1106.4.8 1106.17
- 40) For other than Group R, Division 1 apartment buildings, when parking lots or garage facilities are provided, accessible parking spaces shall be provided in accordance with Table No. 11-F. One in every eight of the accessible parking spaces, but in no case less than one, shall comply with the van parking space requirements in Section 1107.2.2. Ref.: WAC 51-30-1107.
- 41) Accessible parking spaces shall be located on the shortest possible accessible route of travel to an accessible building entry. In facilities with multiple accessible building entries with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entries. Wherever practical, the accessible route of travel shall not cross lanes of vehicular traffic. Where crossing traffic lanes is necessary, the route of travel shall be designated and marked as a crosswalk. Ref.: WAC 51-30-1107.1.6
- 42) feet above the parking surface, at the head of the parking space. The sign shall include the International Symbol of Access and the phrase "State Disabled Parking Permit Required". Ref.: WAC 51-30-1107
- 43) At least 50% of all public entrances, or a number equal to the number of exits required by Section 3303 (a), whichever is greater, shall be accessible. One of the accessible public entrances shall be the primary entrance to a building. At least one accessible entrance must be a ground floor entrance. Public entrances do not include loading or service entrances. Ref.: WAC 51-30-1103.2.3



CITY OF KIRKLAND
123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189
(425) 828 - 1257

DETERMINATION OF NONSIGNIFICANCE (DNS) .

CASE #: SEP02-00034

DATE ISSUED: 12/26/2002

DESCRIPTION OF PROPOSAL -----

Applicant is requesting a Variance to allow the reduction of two of the three required front yard setbacks. If the variance is granted, the applicant is planning to construct a 4,200 square foot office building on the subject property. The SEPA Review is to address the potential Traffic Impacts from the project.

PROPONENT: **CURTIS GELOTTE ARCHITECTS**

LOCATION OF PROPOSAL -----

1009 MARKET STREET

LEAD AGENCY IS THE CITY OF KIRKLAND

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21.030 (2) (c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

Responsible official:

12/23/02

Eric Shields, Director
Department of Planning and Community Development
425-828-1257

Address: City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033-6189

You may appeal this determination to NANCY COX at Kirkland City Hall, 123 Fifth Avenue, Kirkland, WA 98033 no later than 5:00 p.m., January 09, 2003 by WRITTEN NOTICE OF APPEAL.

You should be prepared to make specific factual objections. Contact Nancy Cox to read or ask about the procedures for SEPA appeals.

Please reference case # SEP02-00034.

Publish in the Eastside Journal (date): 12/30/02

ATTACHMENT <u>4</u>
<u>TIA 02 50</u> 67

Distribute this form with a copy of the checklist to the following agencies:

- Environmental Review Section, Department of Ecology,
P.O. Box 47703, Olympia, WA 98504-7703

- Eric Pentico (for streams and wetlands)
Department of Fish and Wildlife (with drawings)
16018 Mill Creek Boulevard, Mill Creek, WA 98012

- Rich Johnson (for shorelines and Lake Wa.)
Department of Fish and Wildlife (with drawings)
PO Box 1100, LaConner, WA 98257

- Seattle District, U.S. Army Corps of Engineers,
P.O. Box C-3755, Seattle, WA 98124

- Muckleshoot Tribal Council, Environmental Division,
Fisheries Department, 39015 172nd SE, Auburn, WA 98002

- Northshore Utility District, P.O. Box 489, Kenmore, WA 98028

- Shirley Marroquin
Environmental Planning Supervisor
King County Wastewater Treatment Division
201 South Jackson Street, MS KSC-NR-0505
Seattle, WA 98104-3855 - and -

- Gary Kriedt
King County Metro Transit Environmental Planning
201 South Jackson Street, MS KSC-TR-0431
Seattle, WA 98104-3856

- Support Services Center
Lake Washington School District No. 414
Attn: Bob Collard
P.O. Box 97039, Redmond, WA 98073

- John Sutherland, Developer Services
Washington State Department of Transportation
15700 Dayton Ave. N., MS 240
P.O. Box 330310, Seattle, WA 98133-9710

Applicant / Agent _____

--MITIGATING MEASURES INCORPORATED INTO THE PROPOSAL: -----

1. Prior to final inspections for the building permit, the applicant shall implement the following mitigation measures: a. Paint the curb red between Market Street and the project driveway on the north side of 10th Avenue, b. Paint the curb red between Market Street and the project driveway on the north side of 3rd Street West, c. Paint the curb red within 10 feet of the project driveways.

cc: Case # ZON02-00021

Distributed to agencies along with a copy of the checklist. (see attached).

Azizanne Kersakofski

12/26/02

Distributed By:
SEPA_C_A, rev: 12/23/2002

Date:



CITY OF KIRKLAND

Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.828.1257
www.ci.kirkland.wa.us

MEMORANDUM

To: Eric R. Shields, AICP, SEPA Responsible Official
From: Tony Leavitt, Planner *TL*
Date: December 23, 2002
File: SEP02-00034, IIA-02-50
Subject: ENVIRONMENTAL DETERMINATION FOR 1009 MARKET STREET OFFICE BUILDING VARIANCE REQUEST, 1009 MARKET STREET

I have had the opportunity to visit the subject property located at 1009 Market Street (see Attachment 1) and review the environmental checklist (see Attachment 2), traffic impact analysis (see Attachment 3), and the memo from the City of Kirkland Public Works Department Staff (see Attachment 4).

Background Information

The subject property currently contains one single-family residence. The residence is proposed to be demolished and replaced with a 4,200 square foot office building (see Attachment 5). The applicant is requesting a variance to allow the reduction of two of the three required front yard setbacks. The 3rd Street West setback would be reduced from the required 20 feet to 5 feet and the 10th Avenue West setback would be reduced from the required 20 feet to 10 feet. Parking for the office building will be located in an underground garage (13 stalls) and one stall will be above ground. Access to the garage will from a driveway off of 10th Avenue West.

Public Comments

During the comment period for the Variance Application, the Planning Department received 8 comment letters in regards to the proposal. A majority of the comments are more appropriate to be addressed in the Staff Advisory Report that will be prepared for the public hearing, since the comments relate to City codes and policies. However, two of the letters raised the issue of street parking. The neighbors raised concerns about the potential loss of on street parking adjacent to their properties, which is an appropriate SEPA concern.

The proposed office building will have 4,200 square feet of gross floor area per the submitted plans. The Professional Residential 3.6 (PR 3.6) zone requires that an Office Use provide one parking stall per each 300 square feet of gross floor area. Based on the proposed gross floor area, the proposed project is required to provide 14 onsite parking stalls. The applicant has proposed 14 onsite parking stalls for the project, thus meeting the zoning requirement.

The applicant was required, as part of the traffic impact analysis, to conduct an "On Street Parking Utilization Study". The study identified the available parking supply and utilization during an average weekday for an area within a 500 foot radius of the site excluding the area east of Market. The study identified 242 existing spaces within the study area. The study concluded that the average percent of spots utilized at 2 pm was 23.6% and the average percent of spots utilized at 6 pm was 18.6%. Further, the study concluded that the on street parking availability to be more than sufficient to accommodate any parking over-flow that may occur.

Staff has concluded that the proposal complies with all City codes and policies related to the number of stalls that are required on site. The amount of available on street parking stalls is more than adequate to provide for potential over flow parking, even with the loss of adjacent parking due to SEPA mitigation requirements related to Traffic Impacts (see below).

Environmental Issues

It will be necessary to further analyze certain aspects of the proposal to determine if the project complies with all the applicable City codes and policies. That analysis is most appropriately addressed within the staff advisory report, which will be presented at the public hearing. In contrast, State law specifies that this environmental review under the State Environmental Policy Act (SEPA) is to focus only on potential significant impacts to the environment that could not be adequately mitigated through the Kirkland regulations and Comprehensive Plan.¹

Based on my review of all available information and adopted policies of the City, I am recommending that the proposal be changed or clarified to include the following mitigating measures so that a Determination of Nonsignificance (DNS) can be issued.

Traffic Impacts

1. Prior to final inspections for the building permit, the applicant shall implement the following mitigation measures:
 - a. Paint the curb red between Market Street and the project driveway on the north side of 10th Avenue.
 - b. Paint the curb red between Market Street and the project driveway on the north side of 3rd Street West.
 - c. Paint the curb red within 10 feet of the project driveways.

This recommendation is based on adopted policies of the City as found in the City's Comprehensive Plan. Specifically the following elements of the 1995 Comprehensive Plan contain the following policies:

Transportation

Policy T-4.8: Provide for local vehicular access to arterials, while minimizing conflicts with through traffic.

These policies directly support the above mentioned mitigating measures and require these measures in order to fully mitigate the impacts created by the proposal.

SEPA ENCLOSURES

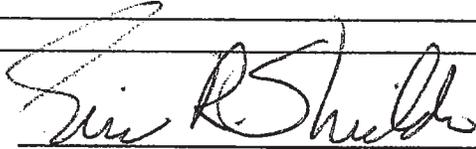
1. Vicinity Map
2. Environmental Checklist
3. Traffic Impact Analysis Report prepared by DN Traffic Consultants on October 15, 2002
4. City of Kirkland Dept. of Public Works Memo dated October 31, 2002
5. Site Plan
6. Comment Letter from Mr. and Mrs. Thirloway
7. Comment Letter from Mr. John Sproul

¹ESHB 1724, adopted April 23, 1995

Review by Responsible Official:

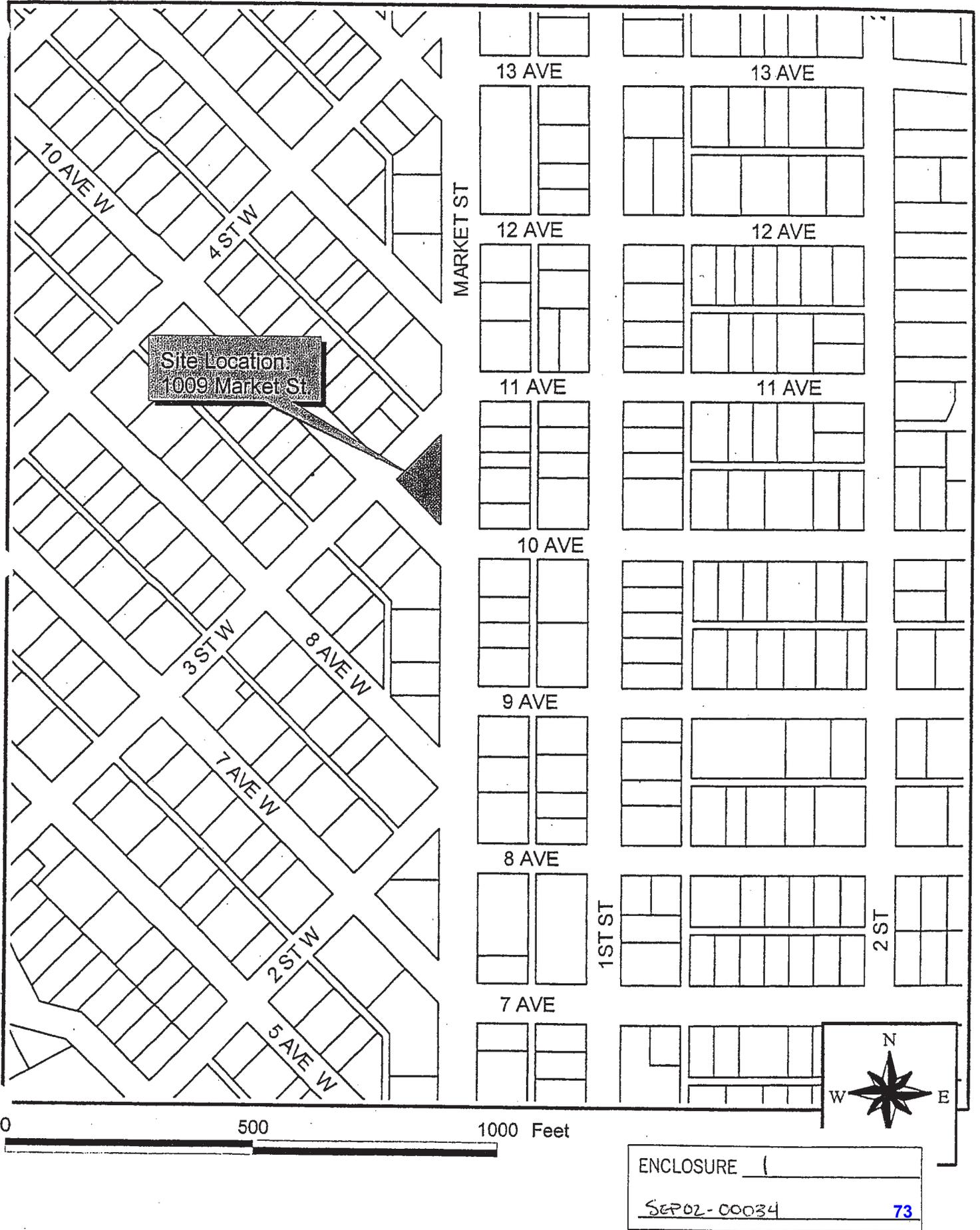
I concur I do not concur

Comments: _____


Eric R. Shields, Planning Director 12/23/02
Date

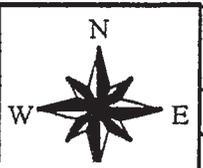
cc: Lisa Lu, Curtis Gelotte Architects, 150 Lake Street South, Suite 208, Kirkland, WA 98033

1009 Market Street Variance (IIA-02-50)



Site Location
1009 Market St

0 500 1000 Feet



ENCLOSURE (
 SEP02-00034 73



CITY OF KIRKLAND ENVIRONMENTAL CHECKLIST

Purpose of Checklist:

The State Environmental Policy Act (SEPA), Chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the City identify impacts from your proposal, and to reduce or avoid impacts from the proposal, whenever possible.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Answer the questions briefly with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the City staff can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The City may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impacts.

Use of Checklist for Non-project Proposals:

Use this checklist for non-project proposals also, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL FORM FOR NON-PROJECT ACTIONS (Part D).

For non-project actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "geographic area," respectively.

BACKGROUND

1. Name of proposed project, if applicable: CGA OFFICE

ENCLOSURE 2
SER02.00034

2. Name of applicant: LISA LU
3. Tax parcel number: 388580-2055-07
4. Address and phone number of applicant and contact person: 150 LAKE ST. S. SUITE 208, KIRKLAND, WA 98033, (425)828-308
5. Date checklist prepared: 08/20/02
6. Agency requesting checklist: PUBLIC WORKS DEPT. CITY OF KIRKLAND
7. Proposed timing or schedule (including phasing, if applicable): PROJECT IS ANTICIPATED TO BE COMPLETED BY END OF 2003
8. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal?
NO
9. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
N/A
10. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
NO
11. List any government approvals or permits that will be needed for your proposal, if known.
NO
12. Give brief, complete description of your proposal, including the proposed uses, the size and scope of the project and site including dimensions and use of all proposed improvements. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. THE DEVELOPMENT PROJECT PROPOSES TO REPLACE AN EXISTING SINGLE-FAMILY HOUSE WITH A NEW 4,200 SF SINGLE TENANT OFFICE BUILDING ON A 180 FEET BY 127 FEET BY 127 FEET TRIANGLE SHAPE SITE
13. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.
1009 MARKET ST. ; BETWEEN 3RD ST. W AND 10TH AVE. W

TO BE COMPLETED BY APPLICANT

EVALUATION FOR
AGENCY USE ONLY
REVIEWED BY: TONY LEAVITT,
PLANNER

B. ENVIRONMENTAL ELEMENTS

1. EARTH

a. General description of the site (circle one): Flat, rolling, hilly, steep, slopes, mountainous, other

b. What is the steepest slope on the site (approximate percent slope)? 8%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

CLAY AND SAND

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

NO

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

EXCAVATION QUANTITY ESTIMATE 1,000 CY FOR LOWER FLOOR PARKING SPACES; NO FILLING NEEDED

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

NO

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt, buildings)?

61%

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

N/A

2. AIR

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities, if known.

N/A

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

NO

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

N/A

3. WATER

a. Surface

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

NO

INCREASED TRAFFIC TO AND FROM SUBJECT PROPERTY.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

NO

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

N/A

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

NO

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

NO

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

NO

b. Ground

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

NO

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.) Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

N/A

c. Water Runoff (including storm water):

- 1) Describe the source of runoff (include storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

FROM ROOF COLLECTED BY GUTTERS INTO CITY'S STORM SYSTEM

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

NO

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

RUNOFF WATER FROM PAVING FLOW INTO NEAR GROUND

CITY STORM SYSTEM

4. PLANTS

a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

6 DECIDUOUS & EVERGREEN TREES WILL BE REMOVED

c. List threatened or endangered species known to be on or near the site.

N/A

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

3 DECIDUOUS TREES REMAIN; LANDSCAPING BUFFERS
WILL PROVIDE MORE PLANTS

REQUIRED BUFFERS ON
NW AND SW SIDES OF
SUBJECT PROPERTY

5. ANIMALS

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

- birds: hawk, heron, eagle, songbirds, other
- mammals: deer, bear, elk, beaver, other
- fish: bass, salmon, trout, herring, shellfish, other

b. List any threatened or endangered species known to be on or near the site.

N/A

c. Is the site part of a migration route? If so, explain.

NO

d. Proposed measures to preserve or enhance wildlife, if any:

N/A

6. ENERGY AND NATURAL RESOURCES

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

NATURAL GAS

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

NO

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

N/A

7. ENVIRONMENTAL HEALTH

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

NO

1) Describe special emergency services that might be required.

N/A

2) Proposed measures to reduce or control environmental health hazards, if any:

N/A

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

N/A

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

MEDIUM LEVEL CONSTRUCTION NOISE FROM
7:30 AM TO 5:30 PM FOR 6 MONTHS

- 3) Proposed measures to reduce or control noise impacts, if any:

FOLLOWING CITY'S LAWS & REQUIREMENTS

8. LAND AND SHORELINE USE

- a. What is the current use of the site and adjacent properties?

CURRENT USE OF THE SITE IS A SINGLE-FAMILY HOUSE;
ADJACENT PROPERTIES ARE SINGLE-FAMILY HOUSES,
MULTI-FAMILY HOUSES, AND OFFICE

- b. Has the site been used for agriculture? If so, describe.

NO

- c. Describe any structures on the site.

KWOOD FRAME HOUSE, CONC. RETAINING WALL & ROCKERY

- d. Will any structures be demolished? If so, what?

YES. EXISTING HOUSE & RETAINING WALL WILL BE DEMOLISHED

- e. What is the current zoning classification of the site?

PR ZONE

PR 3.6 (Prof. Res.
Zone)

- f. If applicable, what is the current shoreline master program designation of the site?

N/A

- g. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

NO

- h. Approximately how many people would reside or work in the completed project.
25 PEOPLE
- i. Approximately how many people would the completed project displace?
2 TENANTS
- j. Proposed measures to avoid or reduce displacement impacts, if any:
FOLLOWING CITY'S COMPREHENSIVE PLAN
- k. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
FOLLOWING CITY'S CODE & REQUIREMENTS

9. HOUSING

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
N/A
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
N/A
- c. Proposed measures to reduce or control housing impacts, if any:
N/A

10. AESTHETICS

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
EL = 188'-3 3/8" ; EXT. BUILDING MATERIAL(S):
HORIZ & VERT. SIDING AND TILES

25 FEET ABOVE THE
AVERAGE BUILDING ELEVATION.

b. What views in the immediate vicinity would be altered or obstructed?

N/A

c. Proposed measures to reduce or control aesthetic impacts, if any:

N/A

11. LIGHT AND GLARE

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

N/A

b. Could light or glare from the finished project be a safety hazard or interfere with views?

NO

c. What existing off-site sources of light or glare may affect your proposal?

N/A

d. Proposed measures to reduce or control light and glare impacts, if any:

N/A

12. RECREATION

a. What designated and informal recreational opportunities are in the immediate vicinity?

N/A

b. Would the proposed project displace any existing recreational uses? If so, describe.

NO

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

N/A

13. HISTORICAL AND CULTURAL PRESERVATION

- a. Are there any places or objects listed in, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

NO

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

N/A

- c. Proposed measures to reduce or control impacts, if any:

N/A

14. TRANSPORTATION

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on-site plans, if any.

SUBJECT SITE BOUNDED BY MARKET ST. ON EAST, BY 3RD ST. W
ON NORTHWEST & BY 10TH AVE. W ON SOUTHWEST; PARKING
SPACE ACCESSES ARE ON 10TH AVE. W & 3RD ST. W

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

YES

- c. How many parking spaces would the completed project have? How many would the project eliminate?

14 PARKING STALLS

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

NO

PROJECT WOULD DISPLACE TWO
CURRENT STALLS ON THE
SUBJECT PROPERTY & COMPLETES
W/ CARP ARRANGEMENTS FOR
OFFICE USE.

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

NO

f. How many vehicular trips per day would be generated by the completed project? If know, indicate when peak volumes would occur.

50 DAILY TRIPS AND 7 PM PEAK HOUR TRIPS

g. Proposed measures to reduce or control transportation impacts, if any:

TRANSPORTATION IMPACT IS MINIMAL

PER-TRAFFIC STUDY

IMPACT FEES REQUIRED.

15. PUBLIC SERVICES

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

NO

b. Proposed measures to reduce or control direct impacts on public services, if any.

N/A

16. UTILITIES

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

b. Describe the utilities that are proposed for the project, the utility providing the service, and

the general construction activities on the site or in the immediate vicinity which might be needed.

EXISTING OR CURRENTLY AVAILABLE UTILITY SERVICES

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Date Submitted: 08/20/02

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(Do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

MORE OCCUPANTS WILL USE MORE WATER; NO ADDITIONAL
EMISSIONS TO AIR; NO TOXIC OR HAZARDOUS SUBSTANCES;
AIR CONDITIONING COMPRESSOR GENERATES NOISE

Proposed measures to avoid or reduce such increases are:

LOW-CONSUMPTION PLUMBING FIXTURES WILL BE USED;
A/C EQUIPMENT SCREENED ON ALL SIDES

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

LANDSCAPING BUFFERS WILL PROVIDE MORE PLANT
MATERIAL THAN EXISTING, ENHANCING ANIMAL
HABITAT; NO IMPACT ON FISH

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

ADDITIONAL PLANTINGS PLUS RETENTION OF 3 SIGNIFICANT TREES IMPROVES ENVIRONMENT

3. How would the proposal be likely to deplete energy or natural resources?

OFFICE USE WILL INCREASE ELECTRICAL CONSUMPTION

Proposed measures to protect or conserve energy and natural resources are:

NATURAL SOLAR SHADING TO REDUCE AIRCONDITIONING LOADS

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

N/A

Proposed measures to protect such resources or to avoid or reduce impacts are:

N/A

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

PROPOSED USE BRINGS PROPERTY INTO COMPLIANCE WITH CITY'S COMPREHENSIVE PLAN

Proposed measures to avoid or reduce shoreline and land use impacts are:

NONE

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

TRAFFIC IMPACT IS MINIMAL ; UTILITY USAGE WILL INCREASE SLIGHTLY

Proposed measures to reduce or respond to such demand(s) are:

WE WILL ENCOURAGE TRANSIT USE ; PLUMBING AND HVAC EQUIPMENT WILL BE HIGH EFFICIENCY

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

PROPOSAL DOES NOT CONFLICT WITH ANY LAWS OR REQUIREMENT TO PROTECTION THE ENVIRONMENT

DN Traffic Consultants
PO Box 547, Preston WA 98050
425-392-1308

October 15, 2002

To: Curt Gelotte
Curtis Gelotte Architects

From: Gary A. Norris, P.E.

Subject: 1009 Market Street West Office Building
Traffic Impact Analysis

The following memorandum was prepared in response to Thang Nguyen's, City of Kirkland Transportation Engineer, letter of July 25, 2002. The letter identified a scope of work for the traffic impact analysis to include the following:

- Driveway operational and safety analysis including sight distance analysis
- On-street parking utilization study
- Assessment of driveway spacing with respect to intersections
- Parking lot circulation
- Level of service operation at 10th Avenue West/Market Street

Project Description

As stated in the letter, the CGA Office development project will replace an existing single-family home with a new 4,290 square foot single-tenant office building. The project is located at 1009 Market Street. Fourteen parking stalls are proposed on-site. Access to the site will be via two new driveways, one located on 10th Avenue West approximately 75 feet west of Market Street and the other on 3rd Avenue West approximately 57 feet west of Market Street. The project is anticipated to be fully operational by the end of 2004.

Trip Generation

Per Mr. Nguyen's letter, based on ITE Trip Generation data, the CGA office is estimated to generate 50 daily trips and 7 PM peak hour trips (1 entering and 6 exiting). The existing single-family home generates approximately 15 daily trips and 2 PM peak hour trips. The net new trip generation is 35 daily and 5 PM peak hour trips.

Driveway Operations/Safety Analysis

As previously stated, the CGA office will have access driveways on 3rd Avenue West and 10th Avenue West. In both cases these driveways are in close proximity to Market Street.

ENCLOSURE <u>3</u>
<u>SEP02.00034</u>
92

Operations

A level of service analysis was conducted for the site access on 10th Avenue W. For the purposes of this analysis it was assumed all 7 PM peak hour project generated trips would use this access, i.e. 1 west bound right turn (entering), 3 southbound right and 3 southbound left turns (exiting). The result of the level of service indicates the driveway will operate at LOS A in the 2004 horizon year.

The driveway on 3rd Avenue West serves one parking stall and is designated for handicap patrons. As such it is not expected that LOS will be an issue.

Safety

A cursory sight distance analysis was performed at the primary site access on 10th Avenue West. Assuming a design speed of 25 mph on 10th Avenue West, the available intersection sight distance, looking to the west, exceeds the required distance of 350 feet. The driveway is approximately 75 feet east of the intersection with Market Street. Since speeds are typically substantially reduced and vehicles are often stopped on approach to the intersection, the typical sight distance calculations aren't applicable. With that being said, parking restrictions should be provided on the north side of 10th Avenue West to ensure unrestricted sight distance will be provided to the intersection and for vehicles approaching from the west.

The same concerns apply to the access on 3rd Avenue West. According to information you provided, the city has already approved the location of this driveway. However, parking should be restricted on the south side in the vicinity of the driveway to provide unrestricted sight distance to the intersection of Market Street and for vehicles approaching from the south on 3rd Avenue West.

On Street Parking Utilization Study

Per the city's request, your firm conducted a parking utilization study. As directed by the city, the study was to identify available parking supply and utilization during an average weekday for the area within a 500 foot radius of the site with the exception the study did not need to include the area east of Market Street. The study was to be conducted on two average weekdays at 2:00 PM and 6:00 PM.

The parking utilization study was conducted on Thursday, September 26, 2002 and Tuesday, October 1, 2002 at 2:00 PM and 6:00 PM. The results of the study indicated there are a total of 242 potential parking spaces within a 500 foot radius of the site (counted by the means identified by the city) excluding the area east of Market Street. Of the 242 spaces, there is an average of 185 available during the 2:00 PM hour and 197 available during the 6:00 PM hour.

In addition, the project will provide an additional 14 stalls on-site for use by the tenants. Overall, there appears to be more than sufficient parking available in the vicinity of the site.

A summary of the parking utilization study is attached in the Technical Appendix.

Assessment of Driveway Spacing

Based on conversations with city staff, it was determined the optimum location of the site access on 10th Avenue West would be 75 feet from the curb return on Market Street to the leading edge of the site access driveway. This modification in the site plan has been accomplished. In regards to the site access to 3rd Avenue West, as you stated the location of this driveway has been approved by planning staff.

Parking Lot Circulation

As we discussed, the city expressed concern regarding circulation in the on-site parking lots provided with the project. It is my understanding that appropriate modifications have been made such that the city approved the parking lot with access to 3rd Avenue West and you have made appropriate adjustments to the main parking lot such that there is adequate space for parking maneuvers consistent with city requirements.

A copy of the most recent site plan showing the parking lot layout is attached in the Technical Appendix.

Level Of Service

The city requested a level of service analysis for the 10th Avenue West/Market Street intersection. A level of service analysis was conducted using Synchro 5.0 for the 2002 existing and 2004 with project condition.

The 2002 PM peak hour turning movement volumes were obtained from PM peak period turning movement counts conducted at this intersection on October 1, 2002. The 2004 with project PM peak hour volumes were obtained by factoring the 2002 PM peak hour counts by 2 percent per year to represent background traffic growth and adding project trips. Project trips were obtained from the estimate of PM peak hour trips provided by the city, i.e. 7 PM peak trips. The city determined that of the 7 trips, 6 are exiting the site and 1 is entering the site. Based on prevailing traffic flow conditions, of the 6 exiting the site, 3 are estimated to be bound to the west and 3 to the east. The one entering trip is coming from Market Street. Therefore, there are 4 project generated PM peak hour trips expected to pass through the 10th Avenue West/Market Street intersection. Of the 4, 3 will be eastbound right turns that will not be in conflict with the heavy northbound volume. The one entering vehicle is expected to be a northbound left turn at the 10th Avenue West/Market Street intersection that also will not be in conflict with the heavy northbound movement. A summary of the turning movement volumes is presented in the Technical Appendix.

The results of the level of service analysis indicated the intersection currently operates at LOS E for the eastbound approach and LOS D for the westbound approach. In the 2004 horizon year with the project, the intersection is estimated to operate at LOS E for both the eastbound and westbound directions.

The result of the level of service is generated by the heavy northbound volume on Market Street during the PM peak hour. The additional volume generated with the CGA project would not be detectable with traditional traffic counting equipment. It should be noted

however that during the count the counter observed stop and go traffic on Market Street during the period from 5:00 PM to 5:45 PM. Interestingly enough, the stop and go nature allowed vehicles to enter and pass through the intersection from the side street.

Conclusions/Recommendations

Based on the foregoing analysis, it is my opinion the proposed Curtis Gelotte Architects Office building will not have a significant impact on traffic circulation in the vicinity of the site. Although the level of service at the 10th Avenue West/Market Street intersection is LOS E, the volumes generated by the project are not expected to be in conflict with the heavy northbound traffic flow which generates the low level of service.

It appears there is adequate on-street parking supply in the vicinity of the site to accommodate any parking overflow beyond the 14 stalls provided on site as required by the city's parking code.

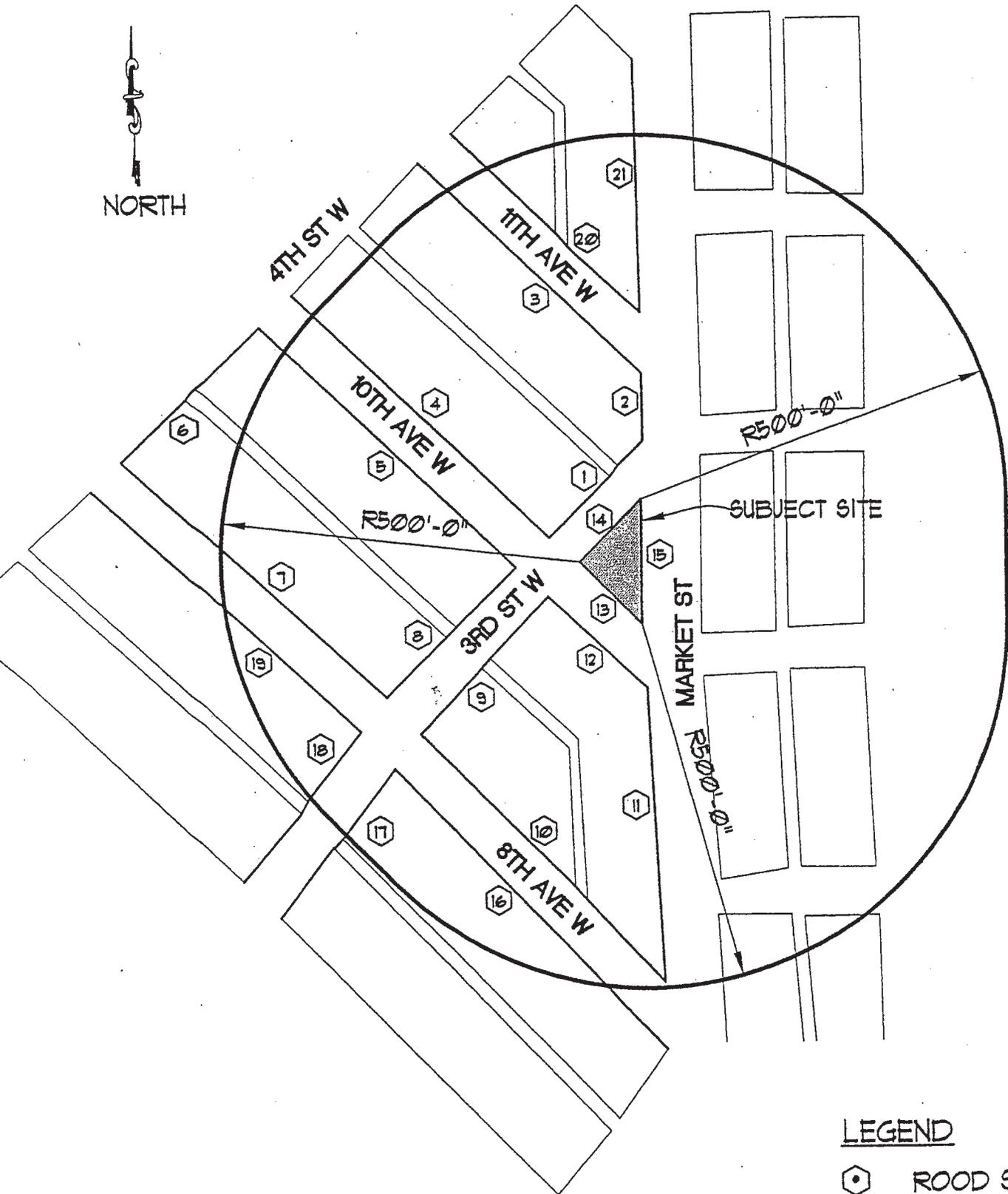
It is my understanding that the driveway locations have been either approved by the (3rd Avenue West) or you have made modifications as requested by the city (10th Avenue West). The same is true in regards to parking lot circulation. Particular attention should be given to restricting on-street parking in the vicinity of the site access driveways to ensure that adequate sight distance is maintained to the adjacent intersection and for vehicles approaching from the opposite direction.

Therefore, with the noted parking restrictions, it is my recommendation that the city approve the proposed CGA office building.

TECHNICAL APPENDIX

On-Street Parking Utilization Study
For 1009 Market Street

Road Segment	Potential Spaces	Cars Parked on each Road Segment				Average 2PM	Average Available	Average 6PM	Average Available
		Thursday 9/26/02		Tuesday 10/1/02					
		2PM	6PM	2PM	6PM				
1	3	1	1	1	1	2	1	3	
2	2	0	0	0	0	2	0	2	
3	14	3	3	5	3	10	3	11	
4	19	3	3	2	5	17	4	15	
5	20	5	7	6	8	15	8	13	
6	10	1	2	2	1	9	2	9	
7	19	5	2	4	2	15	2	17	
8	10	1	1	0	2	10	2	9	
9	10	4	3	4	4	6	4	7	
10	15	1	1	1	0	14	1	15	
11	8	5	1	4	0	4	1	8	
12	7	1	2	4	3	5	3	5	
13	4	4	3	2	4	1	4	1	
14	9	2	1	3	0	7	1	9	
15	5	1	2	0	1	5	2	4	
16	22	4	3	9	7	16	5	17	
17	10	3	3	0	0	9	2	9	
18	9	2	2	3	1	7	2	8	
19	23	5	3	5	3	18	3	20	
20	10	2	2	2	2	8	2	8	
21	13	1	0	3	0	11	0	13	
TOTALS	242	54	45	60	46	185	46	197	



LEGEND

⬡ ROAD SEGMENT

D ON-STREET PARKING DIAGRAM
1" = 200'

STREET: 3RD STREET WEST
FROM: MARKET STREET
TO: 10TH AVENUE WEST
SIDE: NORTHWEST

	CLEAR DISTANCE	# OF SPACES
SW	0	
A	56	0
DW	78	
B	124	1
ALLEY	140	
C	183	2
SW	183	

TOTAL SPACES : 3

STREET: MARKET STREET
FROM: 11TH AVENUE WEST
TO: 3RD STREET WEST
SIDE: WEST

	CLEAR DISTANCE	# OF SPACES
SW	0	
A	23	0
DW	39	
B	48	0
CROSSWALK	61	
NO PARKING	107	
C	107	2
SW CROSSWALK	107	

TOTAL SPACES = 2

STREET: 11TH AVENUE WEST
FROM: 4TH STREET WEST
TO: MARKET STREET
SIDE: SOUTHEAST

	CLEAR DISTANCE	# OF SPACES
SW	0	
A	48	0
DW	60	
B	131	2
ALLEY	144	
DW	152	
C	164	3
DW	239	
D	252	5
DW	316	
E	376	4
SW	432	

TOTAL SPACES = 14

10TH AVENUE WEST
 4TH STREET WEST
 MARKET STREET
 SOUTHEAST

STREET: 10TH AVENUE WEST
 FROM: 3RD STREET WEST
 TO: 11TH STREET WEST
 SILENCE: SOUTHEAST

STREET: 10TH AVENUE WEST
 FROM: 4TH STREET WEST
 TO: 5TH STREET WEST
 SILENCE: SOUTHEAST

VAR18-00070
 ATTACHMENT 4

	CLEAR DISTANCE	# OF SPACES
	30 -10 40	
A		0
	48	
	60	
	10 -10 20	
	131 -60 71 -20 51	2
B		
	131	
ALLEY	144	
	152	
DW	164	
	10 -10 20	
	239 -164 75 -20 55	3
C		
	239	
DW	252	
	10 -10 20	
	364 -252 112 -20 92	5
D		
	364	
DW	376	
	10 -10 20	
	432 -376 56 -10 86	4
E		
	432	

TOTAL SPACES = 14

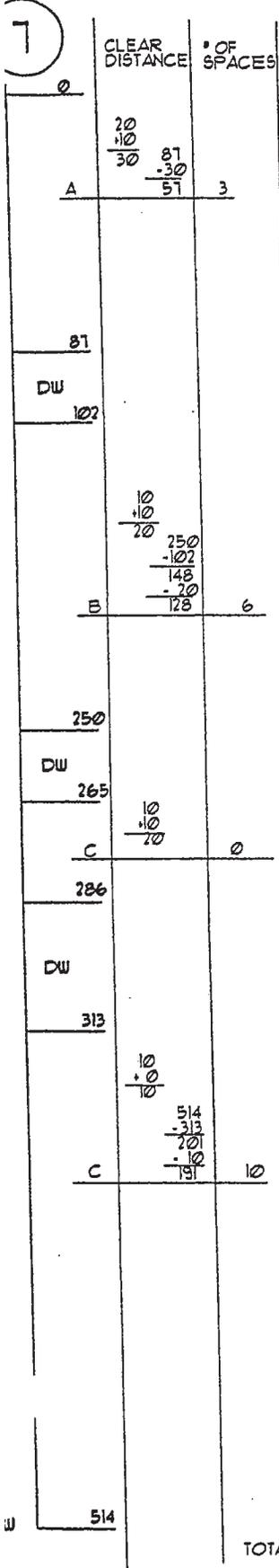
	CLEAR DISTANCE	# OF SPACES
	30 -10 40	
A		6
	168	
DW	183	
	10 -10 20	
	267 -183 84 -20 64	3
B		
	267	
DW	281	
	10 -10 20	
	379 -281 98 -20 78	4
C		
	379	
DW	393	
	10 -10 20	
	511 -393 118 -10 108	6
D		
	511	

TOTAL SPACES = 19

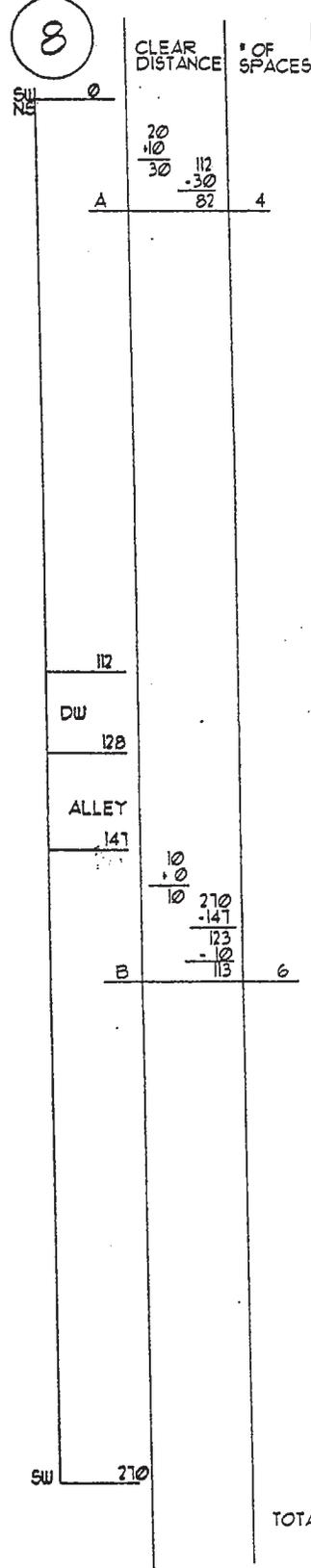
	CLEAR DISTANCE	# OF SPACES
	30 -10 40	
A		0
	49	
DW	73	
	10 -10 20	
	232 -15 155 -20 135	7
B		
	232	
DW	246	
	10 -10 20	
	512 -246 266 -10 256	13
C		
	512	

TOTAL SPACES = 20

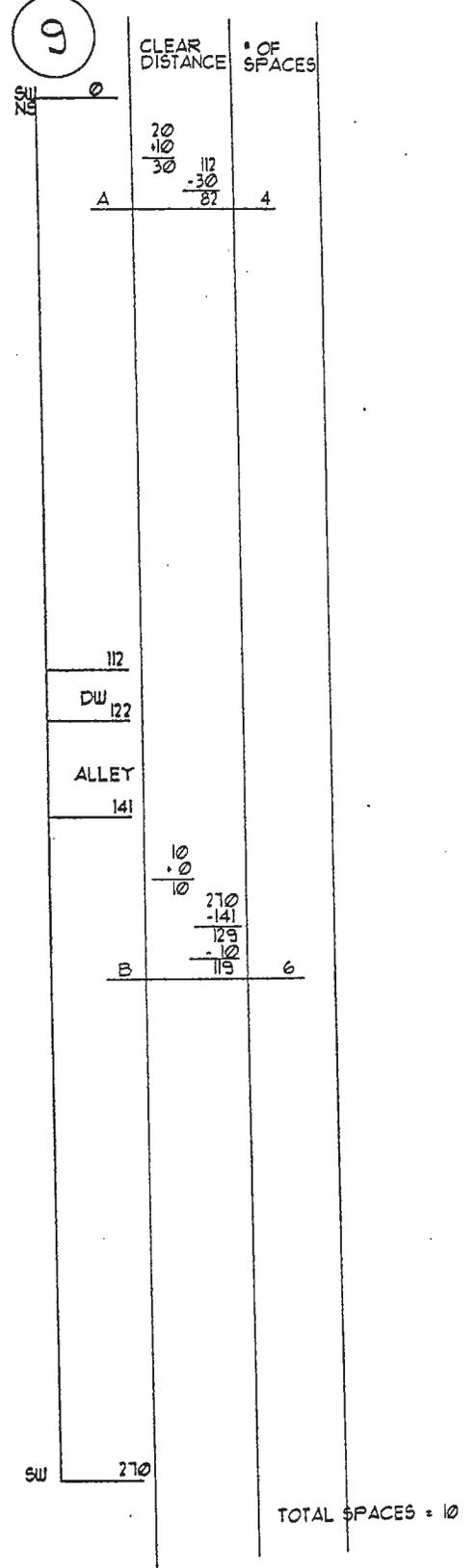
STREET: 3RD AVENUE WEST
FROM: 2ND STREET WEST
TO: 4TH STREET WEST
SIDE: NORTHEAST



STREET: 3RD STREET WEST
FROM: 10TH AVENUE WEST
TO: 8TH STREET WEST
SIDE: NORTHWEST



STREET: 3RD STREET WEST
FROM: 8TH AVENUE WEST
TO: 10TH AVENUE WEST
SIDE: SOUTHWEST



STREET: 8TH AVENUE WEST
FROM: MARKET STREET
TO: 3RD STREET WEST
SIDE: NORTHEAST

	CLEAR DISTANCE	# OF SPACES
	30 -10 40	282 -40 242
A		12
282		
ALLEY		
310		
DW		
330		
	10 +10 20	
	394 -330 64 -20 44	
C		2
394		
DW		
417		
	10 +10 20	
	447 -417 30 -10 20	
C		1
447		
TOTAL SPACES = 15		

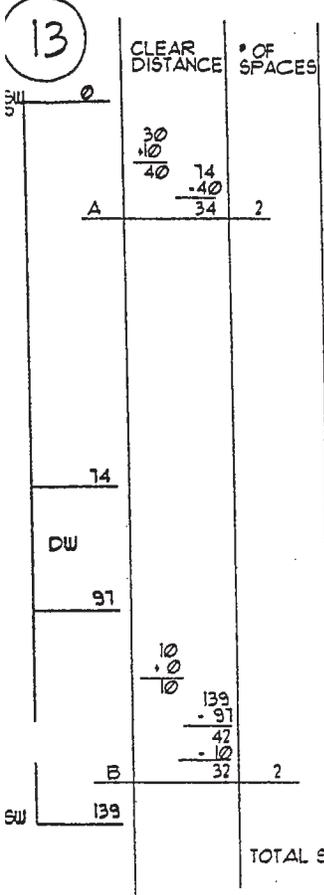
STREET: MARKET STREET
FROM: 10TH AVENUE WEST
TO: 8TH AVENUE WEST
SIDE: WEST

	CLEAR DISTANCE	# OF SPACES
	20 +10 30	70 -30 40
A		2
70		
CROSSWALK		
82		
RED CURB		
101		
	10 +10 20	
	173 -101 72 -10 62	
B		3
173		
DW		
197		
	10 +10 20	
	285 -197 88 -20 68	
B		3
285		
BUS ZONE		
366		
TOTAL SPACES = 8		

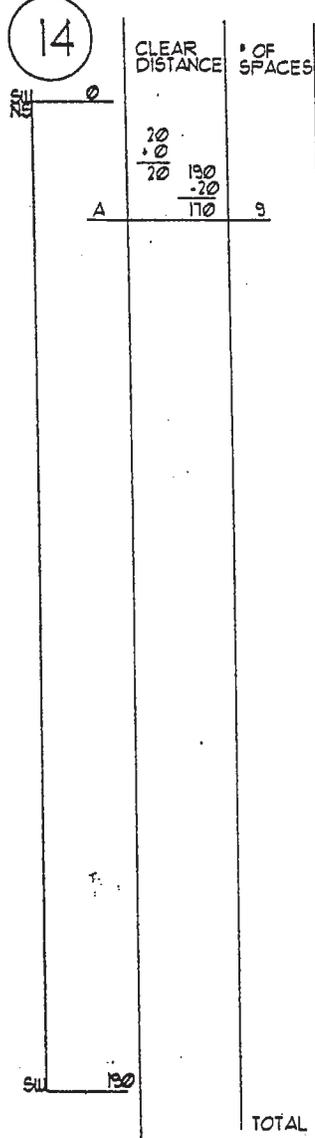
STREET: 10TH AVENUE WEST
FROM: 3RD STREET WEST
TO: MARKET STREET
SIDE: SOUTHEAST

	CLEAR DISTANCE	# OF SPACES
	8	
A		0
28		
DW		
42		
	10 +10 20	
	182 -42 140 -10 130	
B		7
182		
TOTAL SPACES = 7		

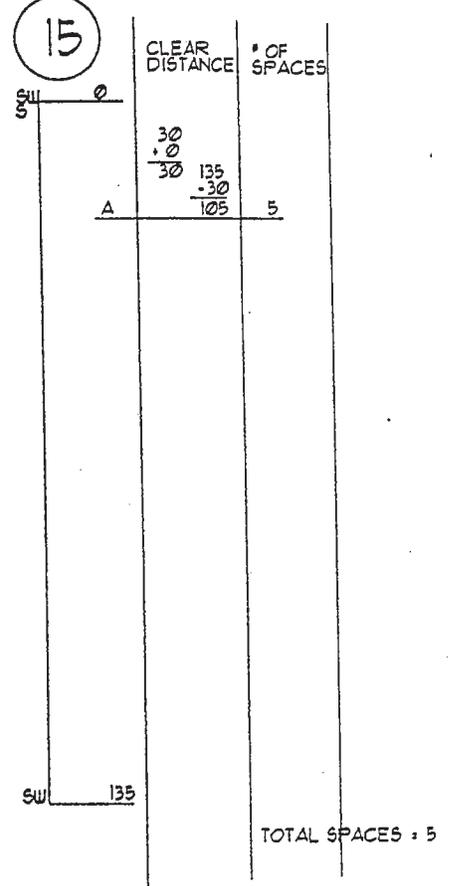
FOR
DE: 10TH AVENUE WEST
MARKET STREET
3RD STREET WEST
NORTHEAST



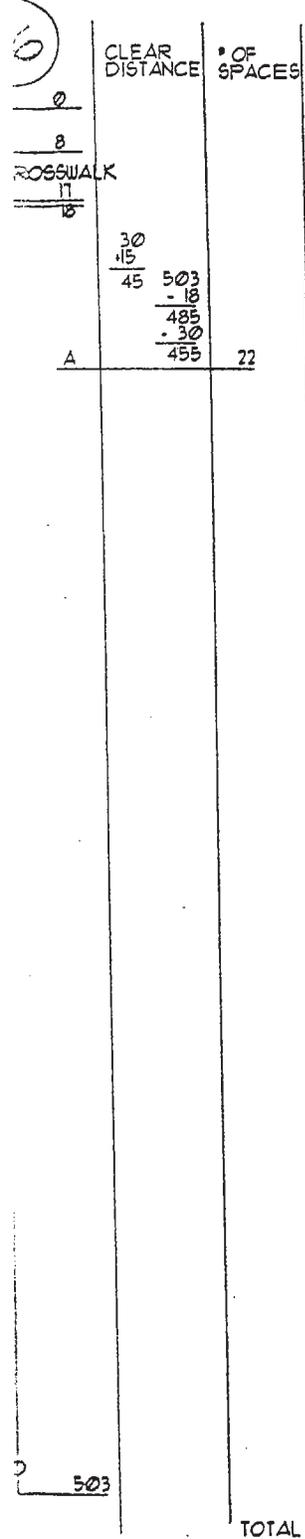
STREET: MARKET STREET
FROM: 3RD STREET WEST
TO: 10TH AVENUE WEST
SIDE: WEST



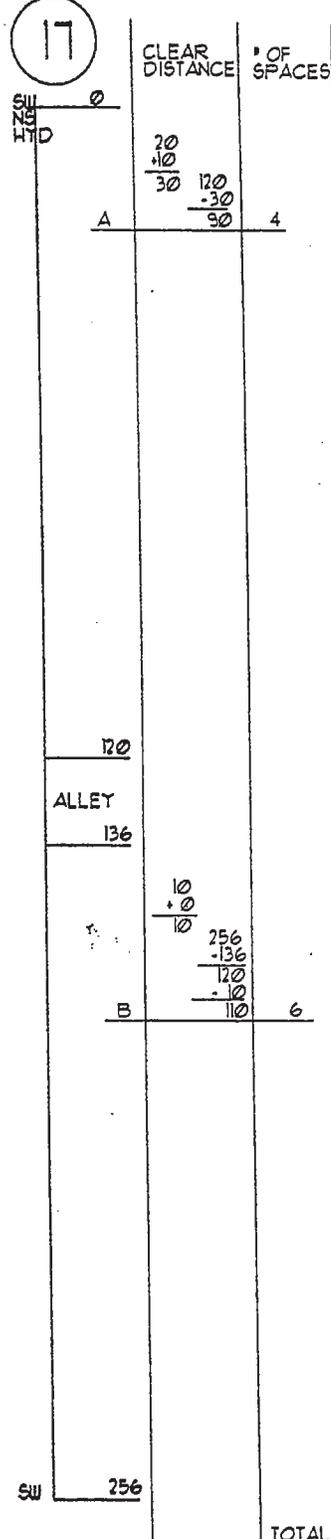
STREET: 3RD STREET WEST
FROM: 10TH AVENUE WEST
TO: MARKET STREET
SIDE: SOUTHWEST



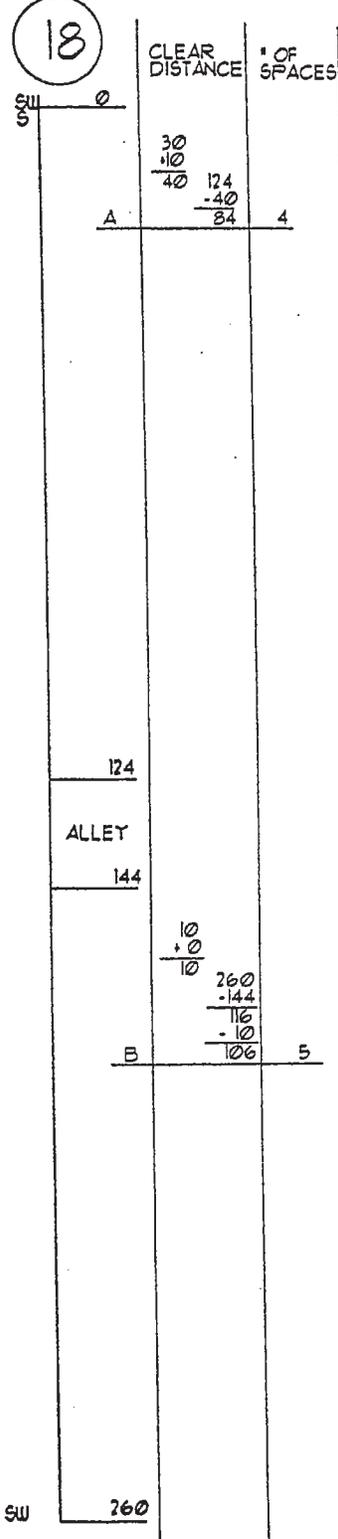
ST: 8TH AVENUE WEST
3RD STREET WEST
MARKET STREET
SOUTHEAST



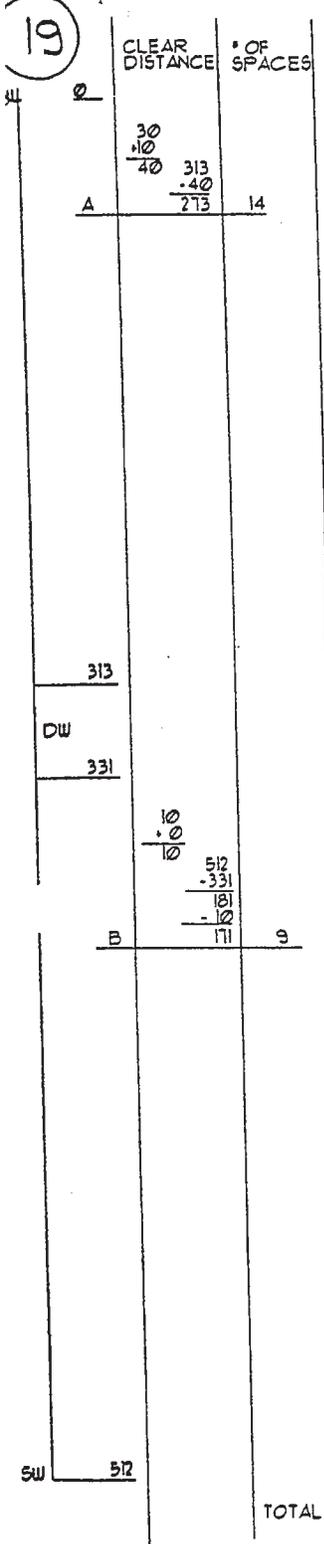
STREET: 3RD STREET WEST
FROM: 11TH AVENUE WEST
TO: 8TH AVENUE WEST
SIDE: SOUTHWEST



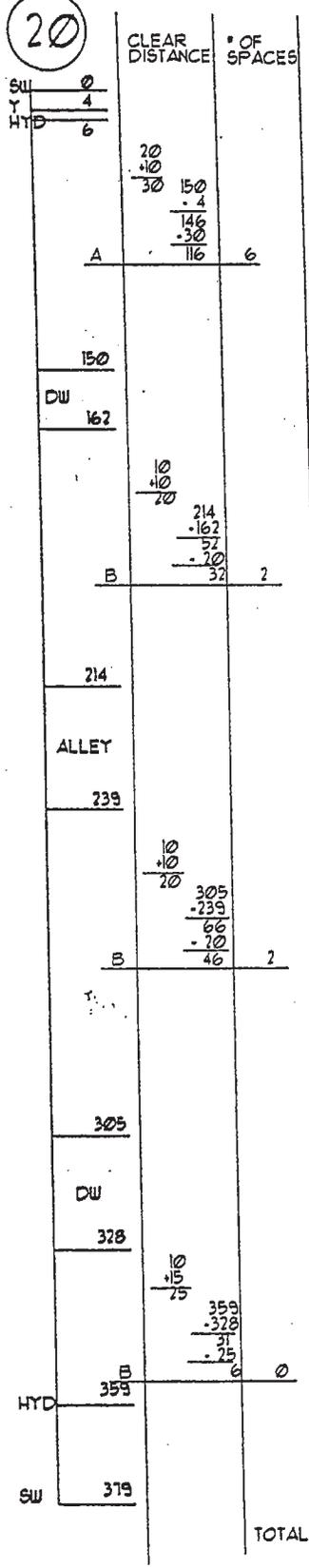
STREET: 3RD STREET WEST
FROM: 8TH AVENUE WEST
TO: 11TH AVENUE WEST
SIDE: NORTHWEST



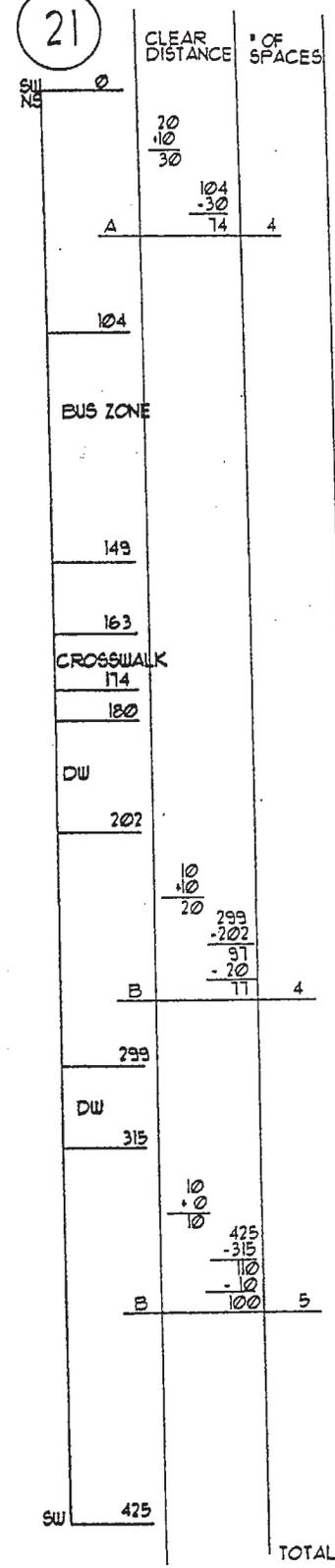
STREET: 8TH AVENUE WEST
 FROM: 4TH STREET WEST
 TO: 3RD STREET WEST
 SIDE: SOUTHEAST

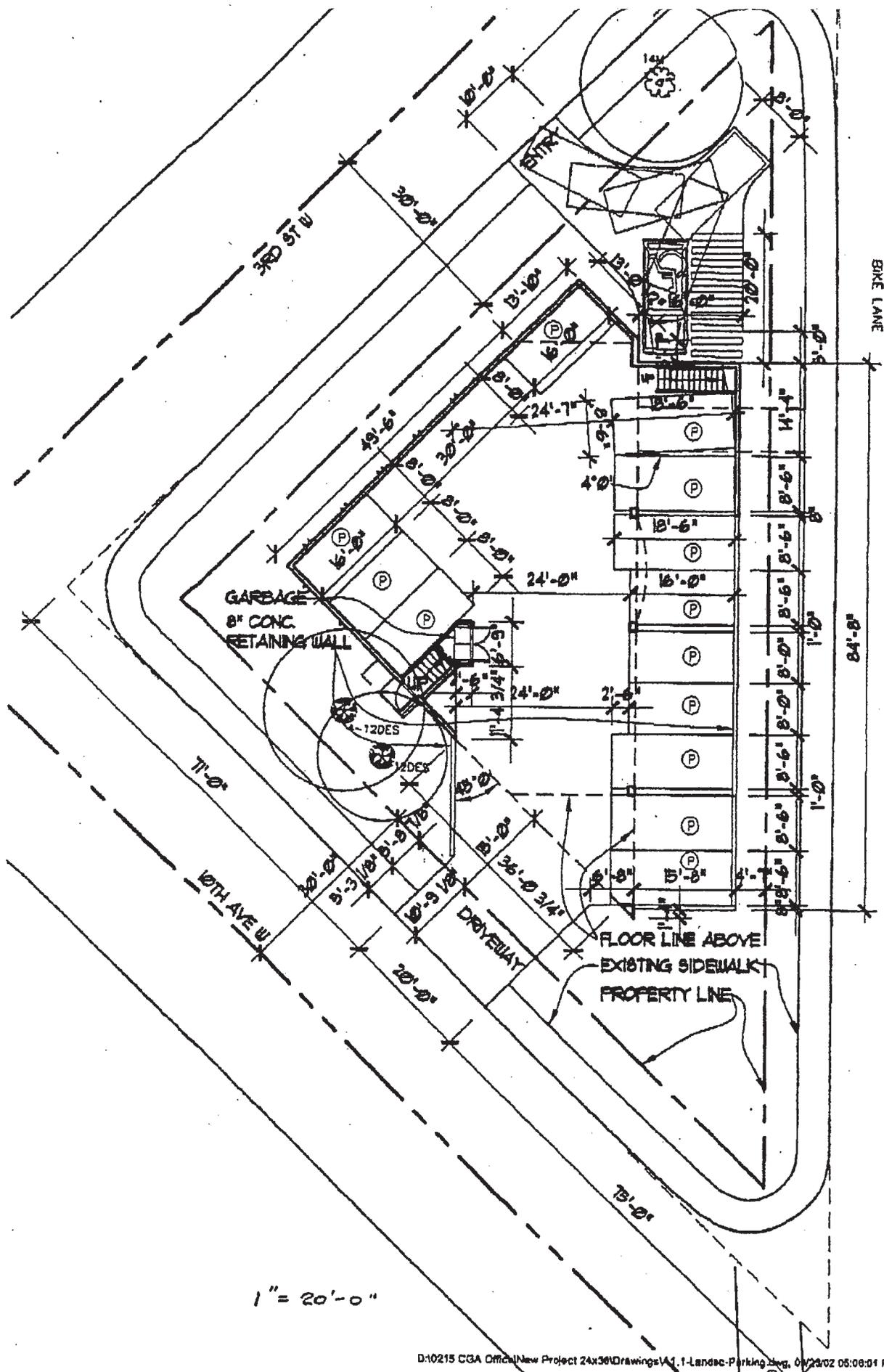


STREET: 11TH AVENUE WEST
 FROM: MARKET STREET
 TO: 4TH STREET WEST
 SIDE: NORTHEAST



STREET: MARKET STREET
 FROM: 13TH AVENUE WEST
 TO: 11TH AVENUE WEST
 SIDE: WEST





1" = 20'-0"

Location: 10th Ave W & Market

Checker: DLN

Date: 1-Oct-02

15 Min. Adj Factor; F(adj)=

Weather: Sunny

Start Time: 4:00 PM

1.0714 (15 min/# of minutes counted)

City/Town: Kirkland

Project: Gelotte

Pk Hr: 4:30 PM 5:30 PM

END TIME	FROM: NORTH					FROM: EAST				
	RIGHT	THRU	LEFT	TOTAL	TRUCKS	RIGHT	THRU	LEFT	TOTAL	TRUCKS
4:15 PM	0	114	6	120	0	9	0	1	10	0
4:30 PM	0	119	7	126	0	8	0	0	8	1
4:45 PM	1	116	0	117	0	9	1	0	10	0
5:00 PM	0	110	2	112	0	13	0	0	13	0
5:15 PM	0	138	5	143	0	9	0	0	9	0
5:30 PM	0	120	4	124	0	8	0	2	10	0
5:45 PM	0	127	3	130	0	4	1	1	6	0
6:00 PM	1	125	2	128	0	5	0	0	5	0

PK HR	1	484	11	496	0	39	1	2	42	0
Adj HR	1	519	12	532	0	42	1	2	45	0

END TIME	FROM: SOUTH					FROM: WEST				
	RIGHT	THRU	LEFT	TOTAL	TRUCKS	RIGHT	THRU	LEFT	TOTAL	TRUCKS
4:15 PM	2	258	9	269	0	3	0	0	3	0
4:30 PM	2	248	8	258	2	3	0	0	3	0
4:45 PM	2	271	8	281	2	7	0	2	9	0
5:00 PM	0	271	6	277	2	2	0	0	2	0
5:15 PM	0	268	8	276	3	1	0	2	3	0
5:30 PM	0	263	7	270	4	4	0	0	4	0
5:45 PM	0	250	7	257	2	2	0	0	2	0
6:00 PM	0	270	7	277	2	1	1	1	3	0

PK HR	2	1073	29	1104	11	14	0	4	18	0
Adj HR	2	1150	31	1183	12	15	0	4	19	0

END TIME	15 Min TOTALS	Time			
		Start	End	hr vol	pk hr?
16:15	431				
16:30	423				
16:45	447				
17:00	433	16:00	17:00	1734	no
17:15	462	16:15	17:15	1765	no
17:30	437	16:30	17:30	1779	YES
17:45	423	16:45	17:45	1755	no
18:00	443	17:00	18:00	1765	no

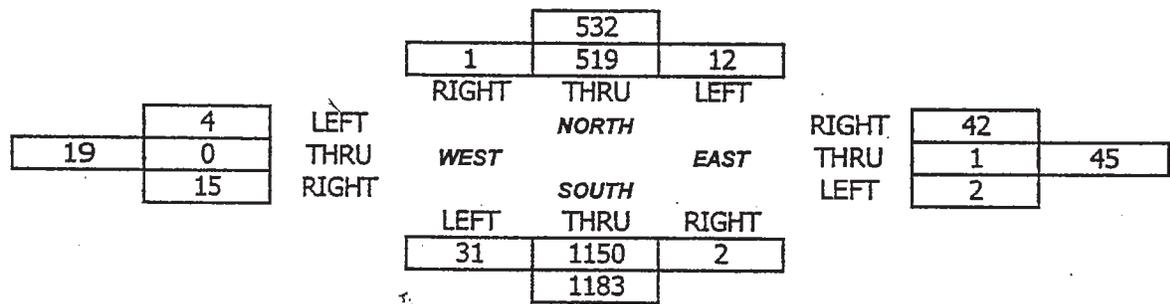
DN Traffic

INTERSECTION: 10th Ave W & Market
 PEAK HOUR: 4:30 PM 5:30 PM
 DATE: 1-Oct-02
 SOURCE: DN Traffic

PEAK HOUR DIRECTIONAL LEG VOLUMES

	532	1196
33		45
19		14
	536	1183

PEAK HOUR APPROACH VOLUME MOVEMENTS



ADJUSTMENT FACTORS DERIVED FROM COUNT

Peak Hour Factors:

From North:	0.87	SB
From South:	0.98	NB
From East:	0.81	WB
From West:	0.49	EB
Total	0.96	

Percent Trucks & Buses:

From North:	0.0%	SB
From South:	1.0%	NB
From East:	0.0%	WB
From West:	0.0%	EB

DN Traffic

CGA Office

Site Access/10 Avenue W

PM Peak Hour: 4:30 PM - 5:30 PM

Date Collected: 10/1/02

	2002 Existing	2004 Background Growth	CGA Office	2004 With Project	Peak Hour Factor	Percent Trucks/Busses
EBLT	0	0	0	0		
EBT	32	33	0	33		
EBRT	0	0		0		
WBLT	0	0	0	0		
WBT	19	20	0	20		
WBRT	0	0	1	1		
NBLT	0	0	0	0		
NBT	0	0	0	0		
NBRT	0	0	0	0		
SBLT	0	0	3	3		
SBT	0	0	0	0		
SBRT	0	0	3	3		
	51	53	7	60		

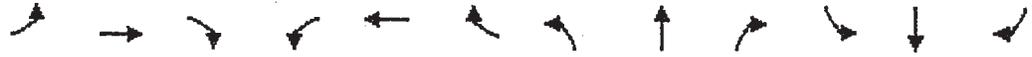
CGA Office

10th Avenue West/Market Street

PM Peak Hour: 4:30 PM - 5:30 PM

Date Collected: 10/1/02

	2002 Existing	2004 Background Growth	CGA Office	2004 With Project	Peak Hour Factor	Percent Trucks/Buses
EBLT	4	4	0	4		
EBT	0	0	0	0		
EBRT	15	16	3	19		
WBLT	2	2	0	2		
WBT	1	1	0	1		
WBRT	42	44	0	44		
NBLT	31	32	1	33		
NBT	1150	1196	0	1196		
NBRT	2	2	0	2		
SBLT	12	12	0	12		
SBT	519	540	0	540		
SBRT	1	1	0	1		
	1779	1850	4	1854		



Movement	EB	WB										
Lane Configurations												
Sign Control	Stop				Stop				Free			Free
Grade	0%				0%				0%			0%
Volume (veh/h)	0	15	2	2	12	31	150	12	12	12	159	0
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (veh/h)	0	16	2	2	16	34	150	12	12	12	164	0
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Right turn flare (veh)												
Median type	None				None							
Median storage (veh)												
vC1, stage 1 conf vol	1954	1910	565	1925	1910	1251	565				1252	
vC2, stage 2 conf vol												
IC, single (s)	7.1	6.5	6.2	7.1	6.5	6.2	4.1				4.1	
IC, 2 stage (s)												
IF (s)	3.5	4.0	3.3	3.5	4.0	3.3	2.2				2.2	
PO queue free %	88	100	97	95	98	78	37				38	
cM capacity (veh/h)	36	64	525	47	64	210	1007				556	
Direction Lane	EB	WB										
Volume Total	21	49	107	1262	113	565						
Volume Left	4	2	34	0	13	0						
Volume Right	16	46	70	1262	100	565						
cSH	135	175	1007	1700	556	1700						
Volume to Capacity	0.15	0.28	0.03	0.71	0.02	0.33						
Queue Length (ft)	13	27	3	0	2	0						
Control Delay (s)	36.5	33.5	0.7	0.0	1.6	0.0						
Lane LOS	E	D	A		B							
Approach Delay (s)	36.5	33.5	0.22		0.3							
Approach LOS	E	D										
Intersection Summary												
Average Delay			1.5									
Intersection Capacity Utilization			7.5%									

CGA Office
 10th Ave W-Market Street



	1	2	3	4	5	6	7	8	9	10	11
Lane Configurations											
Sign Control	Stop				Stop						
Grade	0%				0%						0%
Volume (veh)											
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Hourly Volume	170	170	170	170	170	170	170	170	170	170	170
Pedestrians											
Walking Speed (ft/s)											
Right turn flare (veh)											
Median storage (veh)											
vC1, stage 1 conf vol											
tC, single (s)	7.1	6.5	6.2	7.1	6.5	6.2	4.1			4.1	
tF (s)	3.5	4.0	3.3	3.5	4.0	3.3	2.2			2.2	
cM capacity (veh/h)	30	57	509	40	57	197	987			532	
Volume Total	26	51	36	0	13	0	1700			532	1700
Volume Left	4	2	36	0	13	0					
cSH	135	162	987	1700	532	1700					
Queue Length (ft)	16	32	3	0	2	0					
Lane LOS	E	E	A				B				
Approach LOS	E	E									
Average Delay							1.6				
Intersection Capacity Utilization											



	Free	Free	Stop
Lane Configurations	↑	↓	↘
Signal Control	Free	Free	Stop
Grade	0%	0%	0%
Volume (veh/h)			
Peak Hour Factor	0.92	0.92	0.92
Peak Hour Factor (Veh/h)	36	23	7
Pedestrians			
Bank Width (ft)			
Walking Speed (ft/s)			
Permitted Slopes			
Right turn flare (veh)			
Median storage (veh)			
VC1, stage 1 conf vol	25		22
VC2, stage 2 conf vol			
IC, single (s)	4.1		6.4
IC, stage 2 (s)			6.2
IF (s)	2.2		3.5
ICU capacity (veh/h)	1592		949
ICU capacity (veh/h)			1055
Volume Total	36	23	7
Volume Left	0	1	3
Volume Right	0	1	3
Volume to Capacity	0.00	0.01	0.01
Control Delay (s)	0.0	0.0	8.6
Approach Delay (s)	0.0	0.0	8.6
Approach Delay (s)			
Intersection Capacity Utilization		13.3%	
ICU Level of Service			A

CITY OF KIRKLAND

123 FIFTH AVENUE • KIRKLAND, WASHINGTON 98033-6189 • (425) 828-1243

**DEPARTMENT OF PUBLIC WORKS
MEMORANDUM**

To: Tony Leavitt, Planner

From: Thang Nguyen, Transportation Engineer *TN*

Date: October 31, 2002

Subject: 1009 Market Street West Office Building Traffic Analysis Review

This memo summarizes staff's review of the traffic analysis report for the proposed office building off Market Street.

Project Description

The development project proposes to replace an existing single-family home with a new 4,290 square foot single-tenant office building. The project is located at 1009 Market Street. Fourteen parking stalls are proposed on-site. Access to the site will be via two new driveways, one located off 10th Avenue West and the other located off 3rd Street West. The project is anticipated to be completed by the end of 2004.

Trip Generation

Based on ITE trip generation data, the proposed office is forecasted to generate 50 daily trips and 7 PM peak hour trips (1 entering, 6 exiting). The existing single-family home generates approximately 15 daily trips and 2 PM peak hour trip. Thus, the net new trip generation is 35 daily and 5 PM peak hour trips.

Traffic Concurrence

Traffic concurrence was tested for the proposed project. The project passed concurrence. The concurrence test notice will expire on July 22, 2003 unless a development permit and certificate of concurrence are issued or an extension is granted.

Expiration

The concurrence test notice shall expire and a new concurrence test application is required unless:

1. A complete SEPA checklist, traffic impact analysis and all required documentation are submitted to the City within 90 calendar days of the concurrence test notice.
2. A Certificate of Concurrence is issued or an extension is requested and granted by the Public Works Department within one year of issuance of the concurrence test notice. (A Certificate of Concurrence is issued at the same time a development permit or building permit is issued if the applicant holds a valid concurrence test notice.)

ENCLOSURE 4

SEP02.00034 114

3. A Certificate of Concurrency shall expire six years from the date of issuance of the concurrency test notice unless all building permits are issued for buildings approved under the concurrency test notice.

Appeals

The concurrency test notice may be appealed by the public or agency with jurisdiction. The concurrency test notice is subject to an appeal until the SEPA review process is complete and the appeal deadline has passed. Concurrency appeals are heard before the Hearing Examiner along with any applicable SEPA appeal. For more information, refer to the Kirkland Municipal Code, Title 25.

Scope of Traffic Impact Analysis

The scope of traffic analysis for this development is limited to the following:

- Driveway operational and safety analysis including sight distance analysis
- On-street parking utilization study
- Assessment of driveway spacing with respect to intersections
- Parking lot circulation
- Level of service operation at 10th Avenue West/Market Street

Driveway Operation & Safety

It is forecasted that the project driveways will operate with good level of service. Sight distances at the driveways meet minimum requirements. The traffic report recommended that on-street parking on the north side of 10th Avenue West between the project driveway and Market Street be removed to maintain sight distance. Similarly, it was recommended that on-street parking on the east side of 3rd Street West between the project driveway and Market Street be removed to maintain sight distance.

The location of the project driveway on 3rd Street West is close to Market Street. There is not enough sight distance for vehicles heading south and turning right from Market Street onto 3rd Street West to see a vehicle stopping on 3rd Street West to make a left-turn into the disable parking stall. Although this is not a desirable situation, the traffic volume on 3rd Street West is low and the likelihood of this happening is rare. However, the City may require C-curd in the future to eliminate left-turn into the site if it becomes a problem.

On-site and On-street Parking

According to the City of Kirkland parking code, the proposed project requires 14 parking stalls. The requirement is met with on-site parking. In addition, an on-street parking utilization study was complete to determine on-street parking capacity. Based on the study, there is more than 150 parking spaces available to accommodate any parking over-flow that may occur.

LOS Analysis

Level of service analysis was completed at the intersection of Market Street/10th Avenue West. The analysis indicates the intersection will operate LOS-E. However, the project has less than 5% proportional share. Thus, specific mitigation is not warranted.

Road Impact Fees

Per City's Ordinance 3685, Traffic Impact Fees per Impact Fee Schedule in effect June 14, 1999 are required for all developments. The impact fee rate for office is \$4.71 per 1,000 square feet. Thus, the

assessed impact fee for the proposed office building is \$20,205.90 (\$4.71 x 4,290). The applicant will get a credit toward their impact fee for the current use. The current use is single-family and it has a credit of \$966. A credit of \$966 will be applied against the assessed impact fee. Thus, the net road impact fee is \$19,239.90 (\$20,205.90 - \$966). Final traffic fee will be determined at time of building permit issuance.

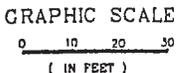
Staff Recommendation

Staff recommends approving the project with the following conditions:

- Pay road impact fees
- Paint the curb on the north side of 10th Avenue West red between Market Street and the project driveway.
- Paint the curb on the north side of 3rd Street West red between Market Street and the project driveway.
- Paint the curb red within 10 feet of the project driveways.

If you have questions, call me at x2901.

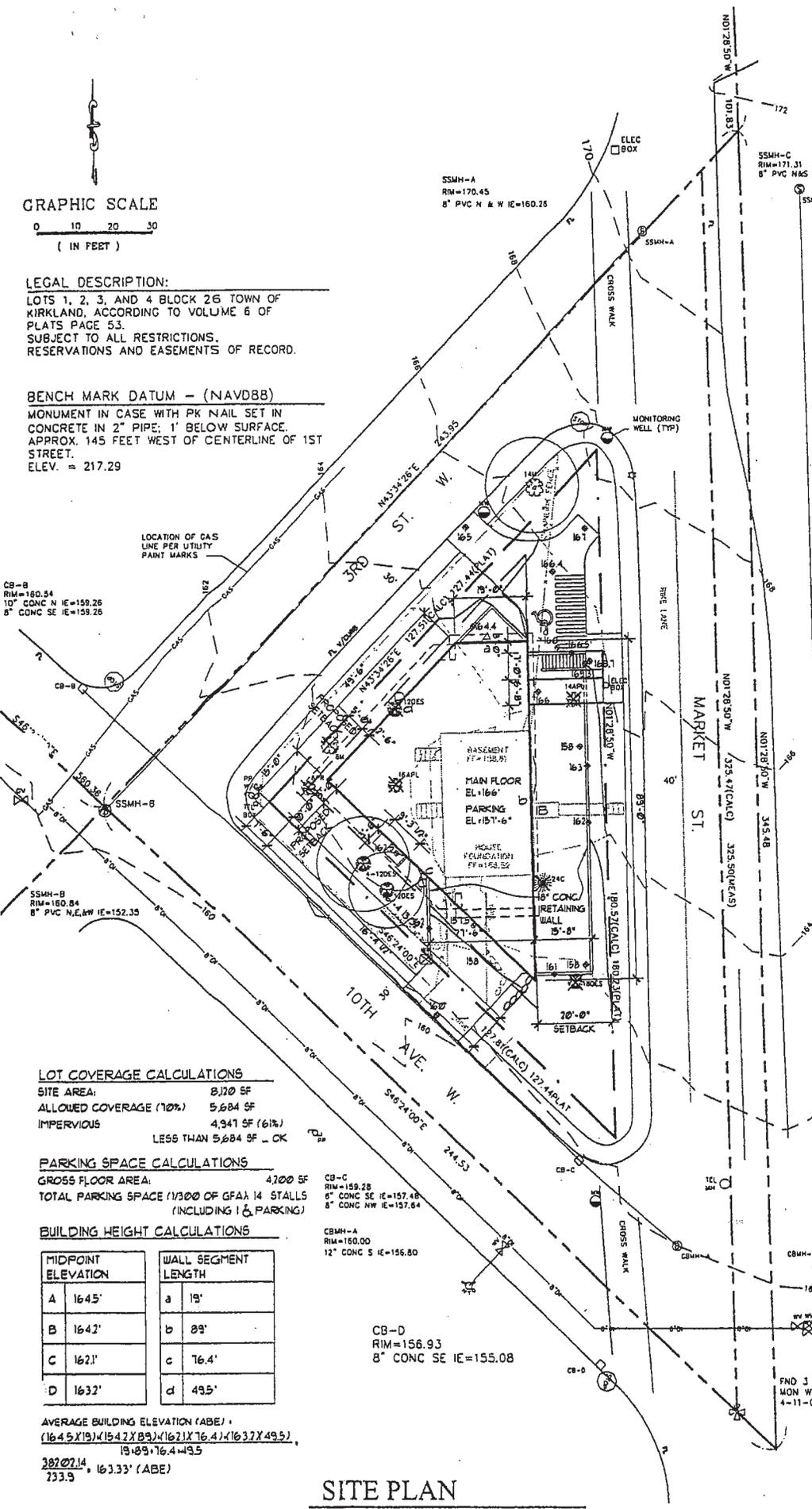
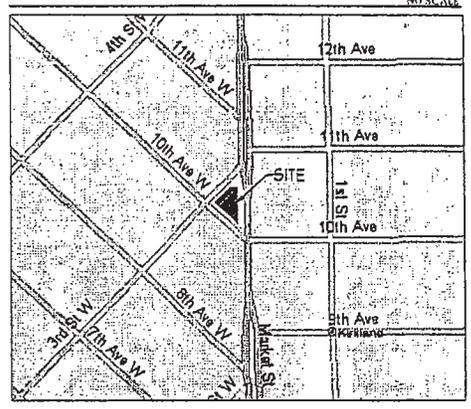
Cc: Greg Neuman, Development Engineer
Lisa Lu, Curtis Gelotte Architects
File



LEGAL DESCRIPTION:
LOTS 1, 2, 3, AND 4 BLOCK 26 TOWN OF KIRKLAND, ACCORDING TO VOLUME 6 OF PLATS PAGE 53. SUBJECT TO ALL RESTRICTIONS. RESERVATIONS AND EASEMENTS OF RECORD.

BENCH MARK DATUM - (NAVD88)
MONUMENT IN CASE WITH PK NAIL SET IN CONCRETE IN 2" PIPE; 1' BELOW SURFACE. APPROX. 145 FEET WEST OF CENTERLINE OF 1ST STREET. ELEV. = 217.29

VICINITY MAP



LOT COVERAGE CALCULATIONS
SITE AREA: 8,170 SF
ALLOWED COVERAGE (10%): 5,684 SF
IMPERVIOUS: 4,941 SF (61%)
LESS THAN 5,684 SF - OK

PARKING SPACE CALCULATIONS
GROSS FLOOR AREA: 4,700 SF
TOTAL PARKING SPACE (1/300 OF GFAA) 14 STALLS (INCLUDING 1 CAR PARKING)

BUILDING HEIGHT CALCULATIONS

MIDPOINT ELEVATION	WALL SEGMENT LENGTH
A 1645'	a 19'
B 1642'	b 89'
C 1621'	c 76.4'
D 1632'	d 49.5'

AVERAGE BUILDING ELEVATION (ABE) =
 $(1645 \times 19) + (1642 \times 89) + (1621 \times 76.4) + (1632 \times 49.5)$
 $19,891.764 + 9.5$
 $\frac{202,071.4}{233.9} = 163.33' (ABE)$

SITE PLAN

1" = 20'-0"

NO.	DATE	REVISION

CURTIS GELOTTE
Architects

3511 REGISTERED ARCHITECT

150 Lake St. S.
Suite 208
Kirkland, WA 98033
P 425.825.3061
F 425.822.2152

CURTIS GELOTTE
STATE OF WASHINGTON

CGA OFFICE

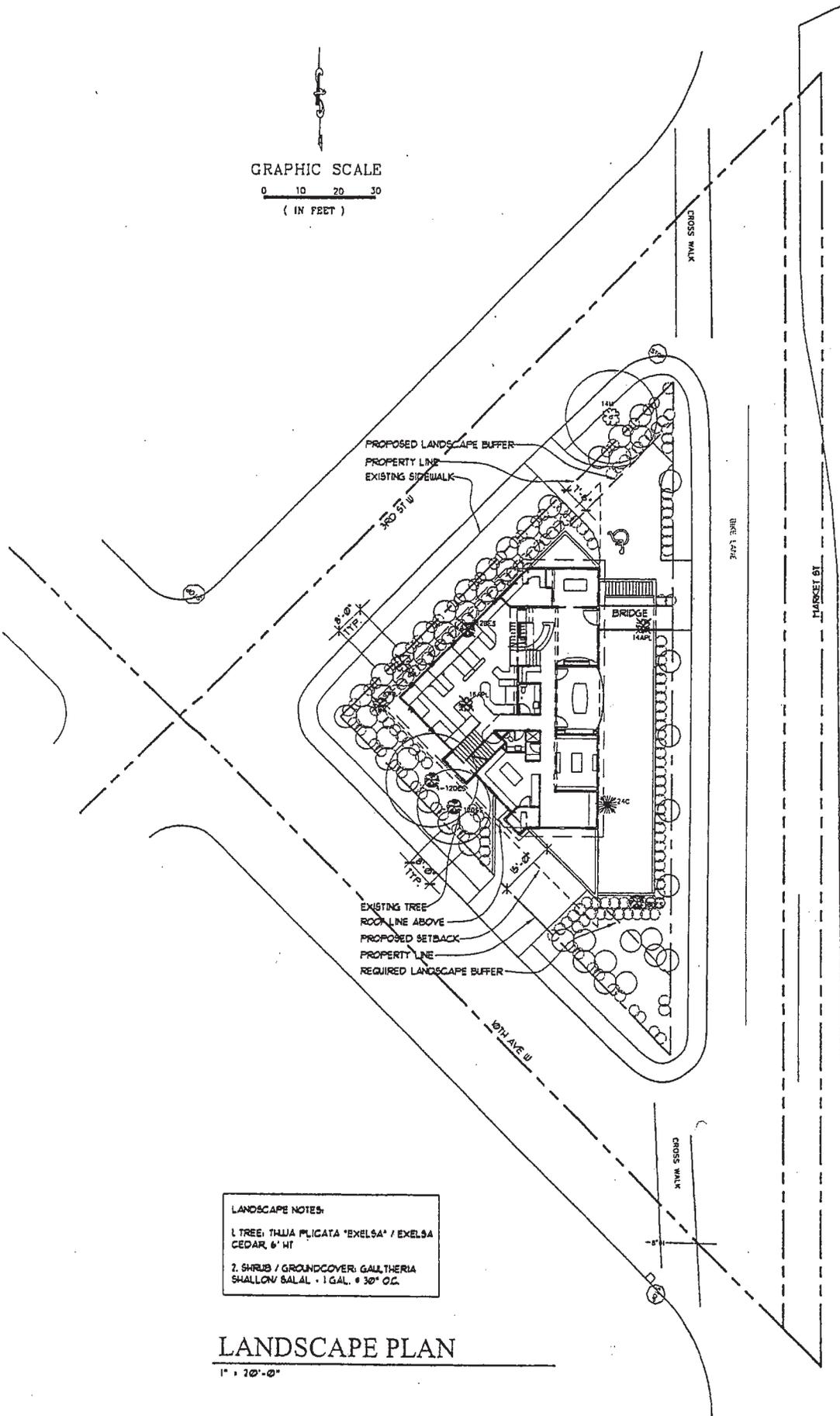
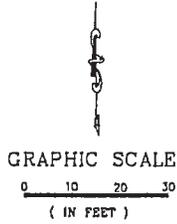
1009 MARKET STREET
KIRKLAND, WA 98033

SITE PLAN

DATE: 08/15/02

ENCLOSURE 5

SEP02.00034 117



LANDSCAPE NOTES:

1. TREE: THUJA PLICATA "EXELSA" / EXELSA CEDAR, 6' HT
2. SHRUB / GROUNDCOVER: GALLTHERIA SHALLOW SALAL • 1 GAL. • 30" OC.

LANDSCAPE PLAN
1" = 20'-0"

NO.	DATE	REVISION

CURTIS GELOTTE
Architects

3511 REGISTERED ARCHITECT

150 Lake St. S., Suite 208
Kirkland, WA 98033
T 425.822.3081
F 425.822.2152

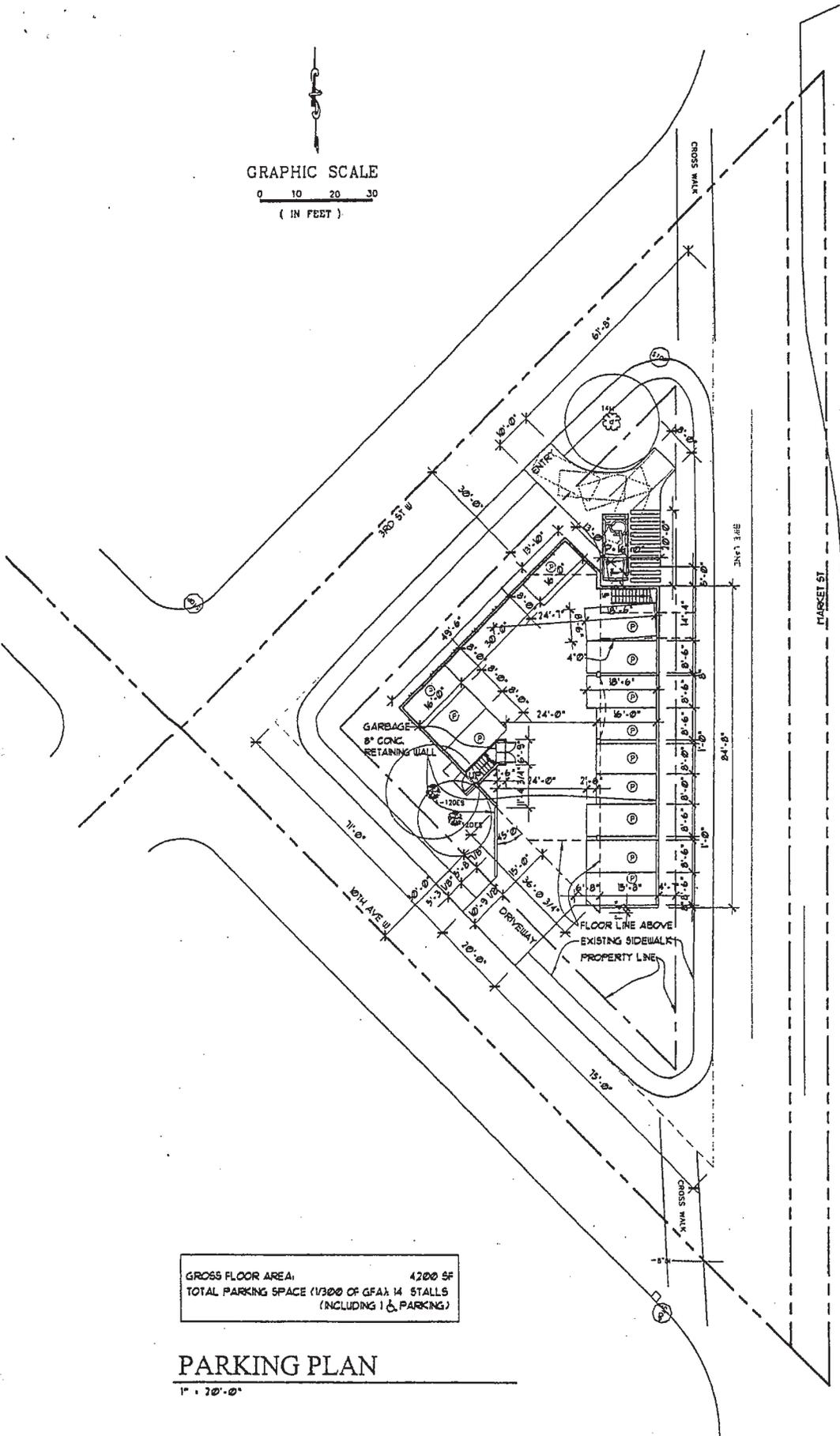
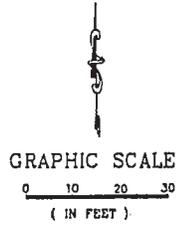
CURTIS GELOTTE
STATE OF WASHINGTON

CGA OFFICE

1009 MARKET STREET
KIRKLAND, WA 98033

LANDSCAPE PLAN

DATE: 08/15/02
JOB NUMBER: 0215
FILE: A11.dwg
SHEET NO: V2



GROSS FLOOR AREA: 4200 SF
TOTAL PARKING SPACE (1/300 OF GFA) 14 STALLS
(INCLUDING 1 ♿ PARKING)

PARKING PLAN
1" = 20'-0"

NO.	DATE	REVISION

CURTIS GELOTTE
Architects

3311 REGISTERED ARCHITECT

150 Lake St. S.
Suite 208
Kirkland, WA 98033
T 425.828.3081
F 425.822.2152

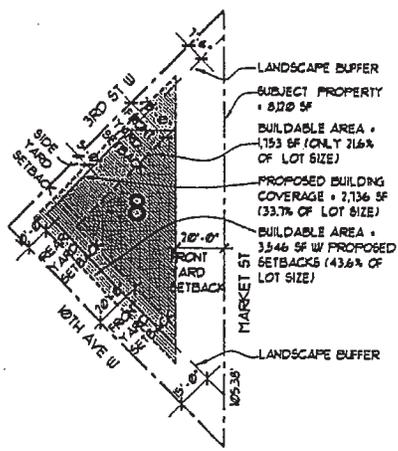
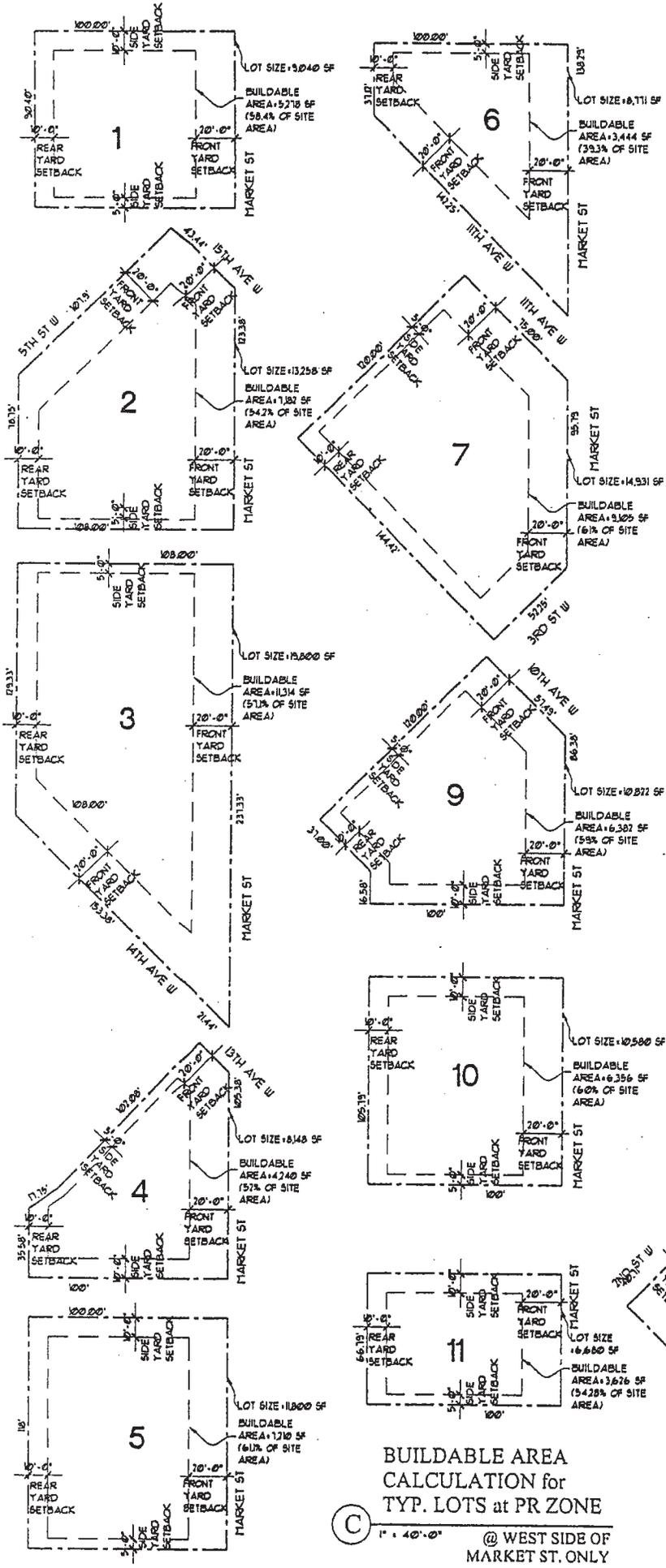
CURTIS GELOTTE
STATE OF WASHINGTON

CGA OFFICE

1009 MARKET STREET
KIRKLAND, WA 98033

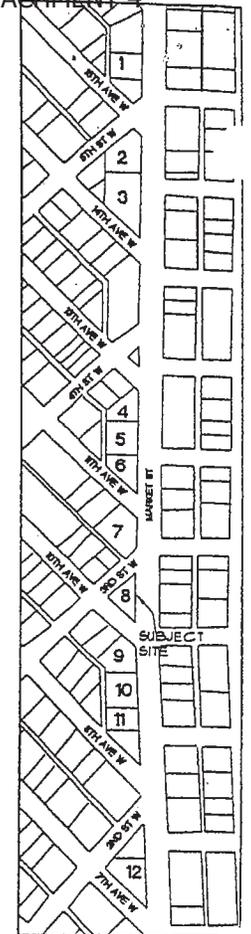
PARKING PLAN

DATE: 08/15/02
JOB NUMBER: 0215
FILE: A1.1.dwg
SHEET NO: **V3**



B BUILDABLE AREA
CALCULATION for
SUBJECT SITE
1" = 40'-0"

LOT	LOT SIZE (SF)	BUILDABLE AREA (SF)	BUILDABLE AREA LOT SIZE x 100%
1	9,040	5,278	58.4%
2	13,256	7,187	54.2%
3	19,800	11,314	57.1%
4	8,148	4,240	52%
5	11,800	7,210	61%
6	8,711	3,444	39.3%
7	14,931	9,025	61%
9	10,872	6,382	59%
10	10,580	6,356	60%
11	6,680	3,676	54.88%
12	12,330	5,350	43.7%
AVERAGE	11,469	6,811	59.38%



A SITE LOCATION
DIAGRAM
NO SCALE

NO.	DATE	REVISION

CG CURTIS GELOTTE
Architects

3511 REGISTERED
ARCHITECT

150 Lake St. S.
Suite 208
Fremont, WA 98033
T 425.828.3081
F 425.822.8152

CURTIS GELOTTE
STATE OF WASHINGTON

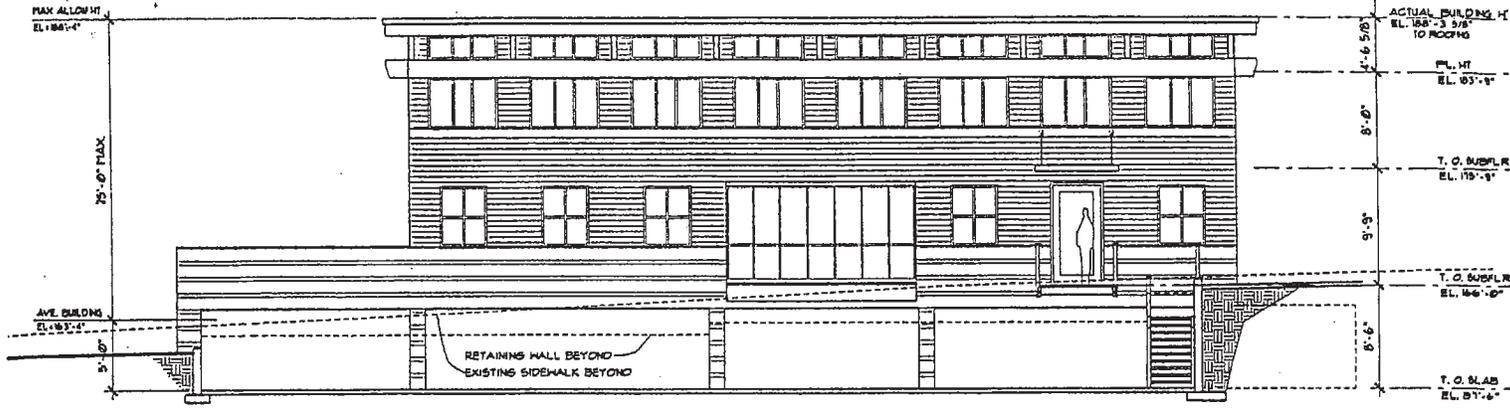
CGA OFFICE

1009 MARKET STREET
KIRKLAND, WA 98033

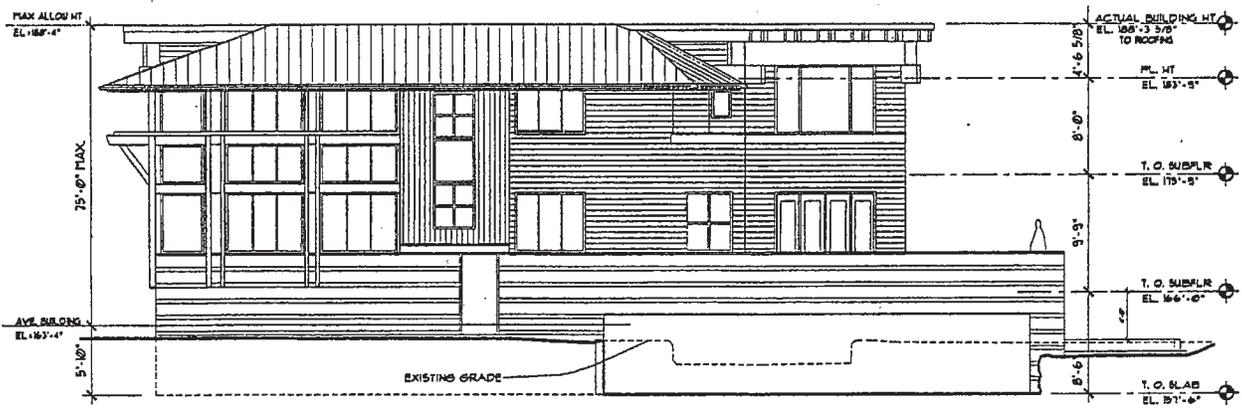
**BUILDABLE AREA
CALCULATION for
TYP. LOTS at PR ZONE**

DATE: 08/15/02
JOB NUMBER: 0215
FILB: A1.1.dwg
SHEET NO: V4

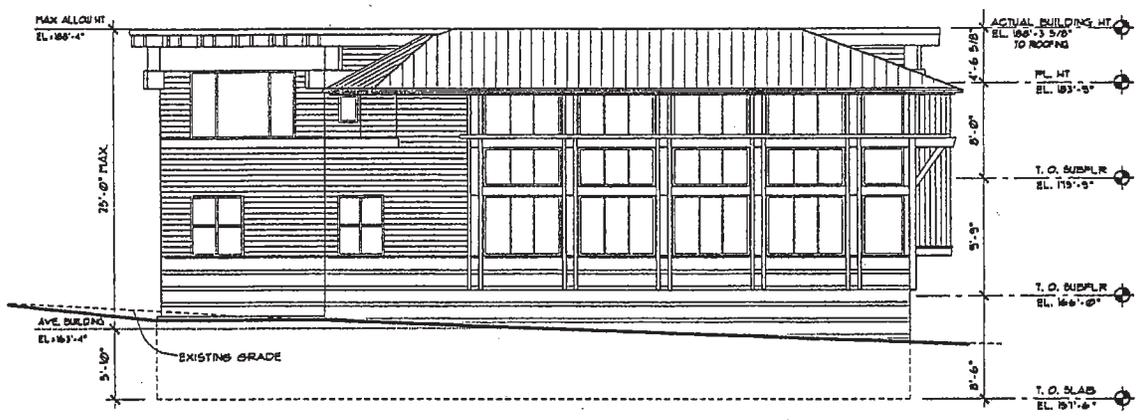
C BUILDABLE AREA
CALCULATION for
TYP. LOTS at PR ZONE
@ WEST SIDE OF
MARKET ST. ONLY
1" = 40'-0"



EAST ELEVATION
1/8" = 1'-0"



SOUTHWEST ELEVATION
1/8" = 1'-0"



NORTHWEST ELEVATION
1/8" = 1'-0"

NO.	DATE	REVISION

CG

CURTIS GELOTTE
Arc Architects

3511 REGISTERED ARCHITECT

CURTIS GELOTTE
STATE OF WASHINGTON

150 Lake St. S.
Suite 208
Kirkland, WA 98033
T 425.828.3081
F 425.822.2152

CGA OFFICE

1009 MARKET STREET
KIRKLAND, WA 98033

EXTERIOR ELEVATIONS

DATE: 08/15/02
JOB NUMBER: 0215
FILE: exeleva.dwg
SHEET NO: V5

November 26, 2002

RECEIVED
NOV 27 2002

Tony Leavitt
City of Kirkland
Planning and Community Development Department
123 Fifth Avenue
Kirkland, Washington 98033

AM
PLANNING DEPARTMENT
BY

Re: 1009 Market Street Variance
File # IIA-02-50

Dear Mr. Leavitt:

We have owned our home across the street from the subject property since 1980. We purchased this home because of the character and nature of the neighborhood, and the quality of life here.

Over the years, we have seen many changes to this neighborhood, many of them good, some overwhelming. We have supported those changes where the building codes are followed, or where the neighbors have been in agreement that the changes do not adversely impact the character of their neighborhood. We have relied on the established protection of the codes and the variance process to protect our home and neighborhood for over 20 years, and to ensure that the financial and emotional investment we made by purchasing this home is not jeopardized.

We believe the setbacks were designed to maintain a sense of spaciousness and separateness between buildings in this neighborhood, and feel that any reduction in the setbacks would significantly adversely impact the character of the neighborhood.

Also, granting the setback variances would allow this business to build a building big enough to increase the density of use and occupancy of this site from its previous 1-5 occupants to 13-20 permanent occupants (employees) plus an anticipated 5-10 customers, or a total of a 400+ % increase. Although density levels in Kirkland generally have increased remarkably over the years, this level of increase seems unwarrantedly high. The impact of increased density at this level to the neighborhood would be particularly detrimental in terms of parking and additional traffic.

I have read the parking study done by Curtis Gelotte, and found some discrepancies in the number of available spaces. The parking of greatest concern is the parking that is most attractive to those using the 1009 Market Street property, or the first block west of Market on 3rd Street West, and the first block north of Market on 10th Avenue West (segments 1, 2, 12 & 14). These are the same segments that have the greatest discrepancy of available parking per the study vs. actual observation.

Businesses on Market regularly use the first block on 3rd Street West (segments 1 & 14) to a greater degree than is represented in the parking study. Segment 14 will lose one parking spot when the handicap access is built in the current design. In addition, the parking on Market Street (segment #2) shows one more parking space than actually exists (there is a cross walk which ends in this segment, as well as a red curb, reducing the parking to one), further reducing availability.

Segment #12 is listed as having 7 spots, but this is actually 5, as one spot is taken by a fire hydrant and another by a driveway. Two of these 5 spots are almost always taken. The residents at 203 10th Avenue West have no street parking either in front of their home (their driveway is on their only border onto 10th Avenue West), or along the side of it where it borders Market due to a bus stop. This leaves 3 spots in segment #12 for use by both 203 and 235 10th Avenue West.

I have spoken to Curtis Gelotte, and, in consideration of our concerns, he has graciously offered to have his employees park in the underground parking and in segments #13-15 around the building at 1009 Market Street. Although this helps alleviate the immediate concern, there are open issues of future growth in his own company (from 13 current employees to a possible 20 allowable in the planned building), so additional overflow would end up

ENCLOSURE 6

SEP02-00034-122

on the street. Also, should Curtis Gelotte ever sell the property, the new owner would be under no obligation to continue requesting his/her employees to continue the courtesy.

It is likely that any overflow needs that cannot be met around the triangle would take spots in these first two blocks. That means that any parking needs for the guests and residents of 203 and 235 10th Avenue West would likely have to be met by parking a block or two away.

Aside from the inconvenience to the residents on 10th Avenue West, there would be additional problems with any deliveries being made, including the Post Office, or any work vehicles where heavy objects are being used on the properties located on 10th Avenue West, etc. The inconvenience might even cause additional cost for any property maintenance activities – for example, if we were to hire work on our property requiring heavy equipment, it might cost extra to haul it to whatever parking was available to the work vehicle. And if the Post Office found they had difficulty parking, there is precedence currently nearby on Market Street that they would block off a parking place all for themselves, thereby exacerbating the situation.

When all available parking is taken, then, too, we already find that people double park who are able to rationalize a quick stop, thereby causing traffic problems along these congested streets. And the volume and complexity of traffic would increase, contributing to additional problems for residents, with 13-20 employees arriving, parking and leaving such a small area at peak traffic volume times during the day.

The city should also consider other projects planned or in the process of being built. For example, the new building on the northwest corner of 11th Avenue West and Market Street will have an impact on parking in segments represented in the parking study, and certainly the impetus towards more and larger businesses along Market will further decrease the amount of available parking in the future. In addition, the issue of precedence in granting a variance in this case is a concern as it will impact variance requests for future businesses who want special considerations to alleviate any building code restrictions – this will logarithmically increase the impact of this kind of character change and density/use increase in the future to the detriments of all neighborhoods bordering Market Street.

Parking in front of one's own home is not guaranteed by any city regulation, but it is something that the residents of this neighborhood greatly desire, feel they deserve, and jealously guard. For instance, in segments 4 and 5, residents have painted curb areas yellow where they feel other people shouldn't be parking. Forcing people to park blocks away from their homes is a symptom of the change of character that this project may affect on this neighborhood.

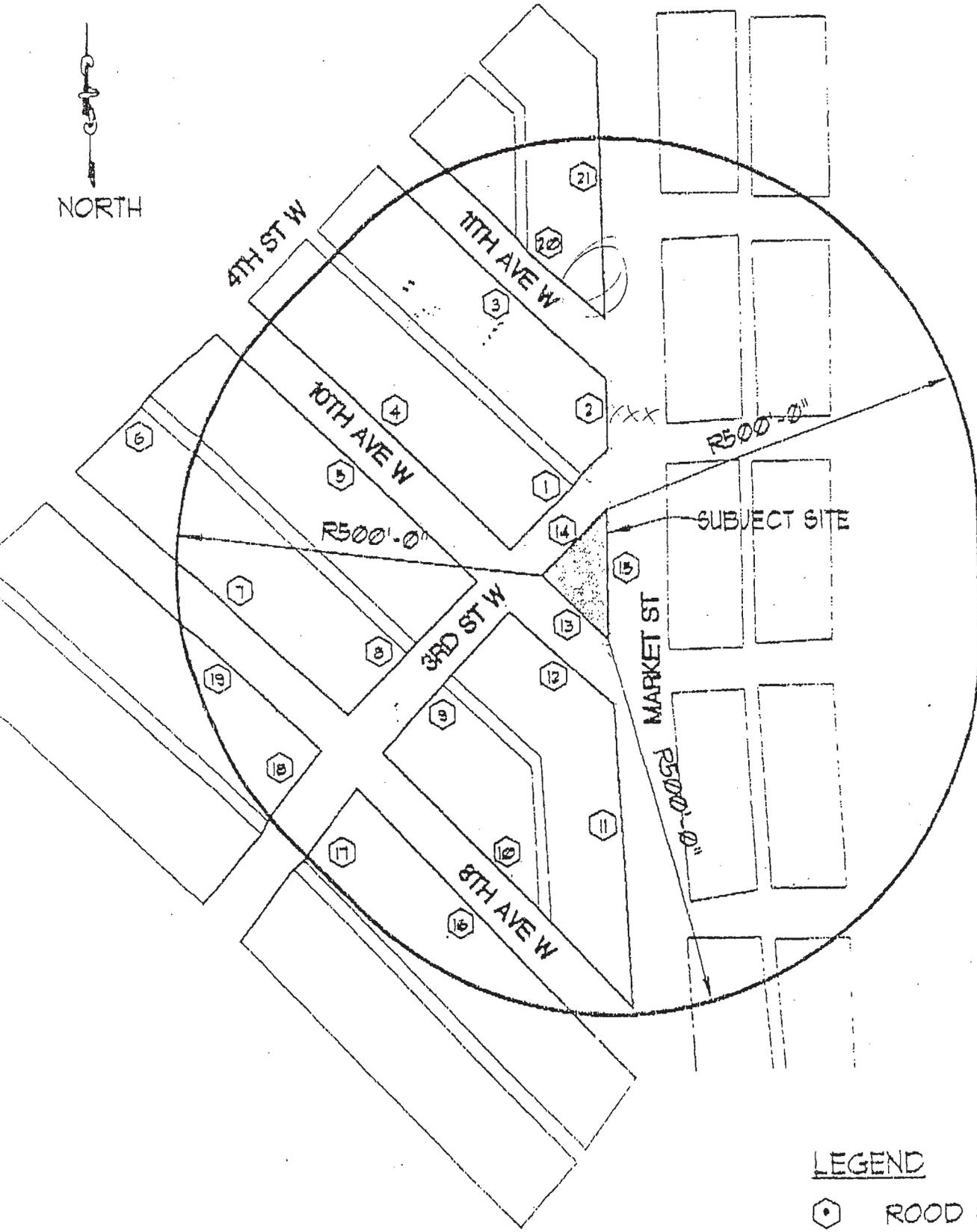
We feel strongly that, should the variances be granted and the parking and traffic issues be realized as we've described above, the impact to the value of our property on 10th Avenue West would be highly detrimental. Our home is a major financial investment, one we were planning on as a source of security for our retirement. While we know that the subject site is zoned for commercial purposes and are willing to accept a business, we feel that any occupant must abide by the building codes in place at the time that they purchased the property. Surely Curtis Gelotte was well aware of the setback requirements on this property before purchasing it.

Granting the setback variances, in our opinion, would adversely impact us financially, likely adversely impact our access to and use of our home, and significantly change the character and nature of the neighborhood. Although we think that Curtis Gelotte would be an excellent neighbor to have, for the reasons listed above we would respectfully request that the variance be denied.

Sincerely,



Melissa and Jeff Thirloway
235 Tenth Avenue West
Kirkland, Washington 98033



LEGEND

⬡ ROAD SEGMENT

203 10th Ave. W.
Kirkland, WA 98033
November 23, 2002

RECEIVED
NOV 26 2002

PLANNING DEPARTMENT
BY

Mr. Tony Leavitt
Project Planner
123 5th Avenue
Kirkland, WA 98033

Dear Mr. Leavitt

Re: File #11A-02-50, Proposed Use
Of 1009 Market Street Site

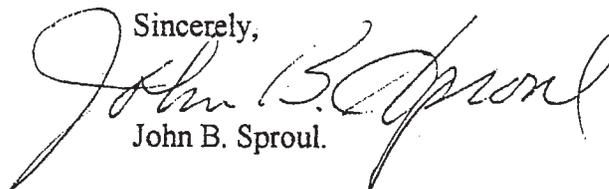
The property at 1009 Market Street is zoned "PR" which is for Professional Residential use. It is difficult to understand how a commercial office with 12 employees can be permitted on this property. How does this proposed use qualify as residential in nature? Do current zoning regulations maintain any validity or are they subject to financial bias? If this company is permitted to occupy the property, what would prevent expansion to 20 or more employees in the future?

Even though inside parking is to be provided, there is nothing to prevent excessive use of street parking, particularly client or customer parking. Since my property is abutted by a bus stop on one side and a fire hydrant on the other, there is no street parking available to me or my guests, except that provided by the 1009 Market Street property. The additional traffic and street parking will do nothing to retain the essential character of a residential neighborhood.

Within 2 blocks of this property, during the past few years, zoning variances by the city have permitted at least 6 properties for commercial use. Even though some of these sites have inside parking, customer parking has hindered homeowners from using their own driveways. Clearly, the track record of the city to maintain and provide homeowner security has been compromised.

As a homeowner, I cannot comprehend how the proposed use of this property would provide any benefit to me. In fact, I expect my property value would reduce and I would fight to lower my real estate taxes.

Sincerely,



John B. Sproul.

ENCLOSURE 7

SEP02-00034-125

RECEIVED
NOV 19 2002

.....AMPM
PLANNING DEPARTMENT

BY _____

247 Tenth Avenue West
Kirkland, WA 98033-5316
November 15, 2002

Mr. Tony Leavitt
City of Kirkland
Department of Planning and Community Development
123 Fifth Avenue
Kirkland, WA 98033

RE: Notice of Application for Variance #11A-0250
1009 Market Street

We object to granting a variance to the property located at 1009 Market Street for the following reasons:

1. The respective lot is too small and strategically situated to provide adequate underground parking for 13 or more automobiles, as well as additional overflow parking on Tenth Avenue West, Third Street West and Market Street. It is also too small to accommodate a two-story building, plus the additional planned parking.
2. The potential negative property valuation impact on the surrounding close proximity homes will adversely affect their equity.

We have lived in our home located at 247 Tenth Avenue West for over 50 years. We have raised 4 children who all have graduated from Lake Washington High School, and have seen Kirkland grow from a small town to a vibrant city. When we added rooms to our house we were forced to follow the city building rules and were not granted any variance from the rules. This should apply to all property owners. We recently replaced our roof, had the chimney repaired (due to earthquake damage), and have done some landscaping on our property. All of these improvements increase the value of our home, and do not detract from our community.

The West side of Market Street is indeed a wonderful and peaceful neighborhood representative of many different diversified cultures. We are vested in our community, our home, and protective of anything that threatens our continued way of life and economic security.

ATTACHMENT <u>6</u>
<u>IIA-02-50</u> 129

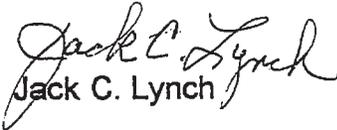
Page Two
Mr. Tony Leavitt
November 15, 2002

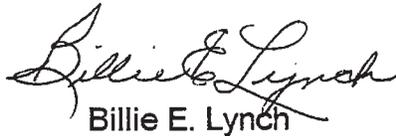
Access to Market Street is already dangerous during the morning and evening hours. Changing the variances to the property located at 1009 Market Street, demolishing the home and existing beautiful trees would adversely impact our residential community, property values, and way of life.

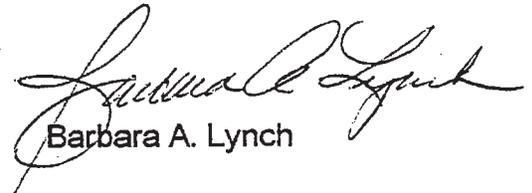
We ask that the City of Kirkland maintain the existing variance on the property located at 1009 Market Street. The property is too small to accommodate the owner's plans and will disrupt our community. We suggest that the property be made into a community park, such as the area on 13th Avenue West and Market Street, which is also a triangle lot.

For your information, our telephone number is (425) 822-2477.

Sincerely,


Jack C. Lynch


Billie E. Lynch


Barbara A. Lynch

ARCHITECTONICS

RECEIVED
NOV 25 2002
PLANNING DEPARTMENT
BY

November 19, 2002

Tony Leavitt
City of Kirkland
Planning and Community Development Department
123 Fifth Ave.
Kirkland, WA 98033

Re.: 1009 Market St. Variance, File Number IIA-02-50

Dear Mr. Leavitt,

We are located at 1014 Market Street. We just finished construction of our new building and are working on the tenant improvements. We went through a lot of difficulties to keep our neighbors happy with regards to their view corridor. We had to move the mechanical equipment on the roof to open up the view corridor for our easterly neighbors.

I understand the difficulties on the site. I do not object to the reduction of the main floor setbacks. Although, the second floor along 10th Avenue West will block our view completely. The variance should be considered to the second floor elevation.

Sincerely,
ARCHITECTONICS, INC.


Mac Pezesht
President

203 10th Ave. W.
Kirkland, WA 98033
November 23, 2002

RECEIVED
NOV 26 2002

AM 0A1
PLANNING DEPARTMENT
BY _____

Mr. Tony Leavitt
Project Planner
123 5th Avenue
Kirkland, WA 98033

Dear Mr. Leavitt

Re: File #11A-02-50, Proposed Use
Of 1009 Market Street Site

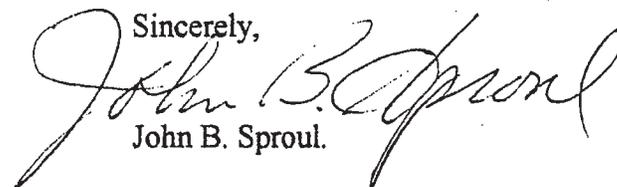
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Within 2 blocks of this property, during the past few years, zoning variances by the city have permitted at least 6 properties for commercial use. Even though some of these sites have inside parking, customer parking has hindered homeowners from using their own driveways. Clearly, the track record of the city to maintain and provide homeowner security has been compromised.

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Sincerely,



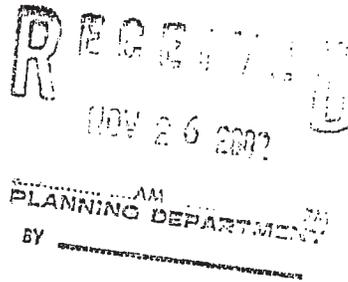
John B. Sproul.

ATTACHMENT 8

TIA 02-50 133

November 25, 2002

Wolfgang Puls/ Lindy Stewart
314 10th Ave West
Kirkland, WA 98033



Tony Leavitt, project planner
City of Kirkland
123 5th Ave
Kirkland, Wa. 98033

Re: 1009 Market Street Variance, File Number IIA-02-50.

As neighbors of the proposed project to be built at 1009 Market Street, Lindy and I support the Variance to allow the reduction of two of the three required front yard setbacks.

We have attended a meeting wherein the scope of the project was explained and we are convinced that the new building will be an aesthetic and non intrusive asset to our neighborhood as well as represent the highest and best use of the property.

The reduction of the setbacks offers similar distance as to what would normally be side yard setbacks. We encourage the Planning Department and the Hearing Examiner to approve this variance.

A handwritten signature in cursive script that reads "Wolfgang Puls".

Wolfgang Puls

425 889-9653/ Wolf.Puls@verizon.net

ATTACHMENT <u>9</u>
<u>IIA-02-50</u> 135

November 26, 2002

RECEIVED

NOV 27 2002

.....AM.....PM
PLANNING DEPARTMENT

BY

Tony Leavitt
City of Kirkland
Planning and Community Development Department
123 Fifth Avenue
Kirkland, Washington 98033

Re: 1009 Market Street Variance
File # IIA-02-50

Dear Mr. Leavitt:

We have owned our home across the street from the subject property since 1980. We purchased this home because of the character and nature of the neighborhood, and the quality of life here.

Over the years, we have seen many changes to this neighborhood, many of them good, some overwhelming. We have supported those changes where the building codes are followed, or where the neighbors have been in agreement that the changes do not adversely impact the character of their neighborhood. We have relied on the established protection of the codes and the variance process to protect our home and neighborhood for over 20 years, and to ensure that the financial and emotional investment we made by purchasing this home is not jeopardized.

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I have read the parking study done by Curtis Gelotte, and found some discrepancies in the number of available spaces. The parking of greatest concern is the parking that is most attractive to those using the 1009 Market Street property, or the first block west of Market on 3rd Street West, and the first block north of Market on 10th Avenue West (segments 1, 2, 12 & 14). These are the same segments that have the greatest discrepancy of available parking per the study vs. actual observation.

Businesses on Market regularly use the first block on 3rd Street West (segments 1 & 14) to a greater degree than is represented in the parking study. Segment 14 will lose one parking spot when the handicap access is built in the current design. In addition, the parking on Market Street (segment #2) shows one more parking space than actually exists (there is a cross walk which ends in this segment, as well as a red curb, reducing the parking to one), further reducing availability.

Segment #12 is listed as having 7 spots, but this is actually 5, as one spot is taken by a fire hydrant and another by a driveway. Two of these 5 spots are almost always taken. The residents at 203 10th Avenue West have no street parking either in front of their home (their driveway is on their only border onto 10th Avenue West), or along the side of it where it borders Market due to a bus stop. This leaves 3 spots in segment #12 for use by both 203 and 235 10th Avenue West.

I have spoken to Curtis Gelotte, and, in consideration of our concerns, he has graciously offered to have his employees park in the underground parking and in segments #13-15 around the building at 1009 Market Street. Although this helps alleviate the immediate concern, there are open issues of future growth in his own company (from 13 current employees to a possible 20 allowable in the planned building), so additional overflow would end up

ATTACHMENT 10

IIA-02-50 137

on the street. Also, should Curtis Gelotte ever sell the property, the new owner would be under no obligation to continue requesting his/her employees to continue the courtesy.

It is likely that any overflow needs that cannot be met around the triangle would take spots in these first two blocks. That means that any parking needs for the guests and residents of 203 and 235 10th Avenue West would likely have to be met by parking a block or two away.

Aside from the inconvenience to the residents on 10th Avenue West, there would be additional problems with any deliveries being made, including the Post Office, or any work vehicles where heavy objects are being used on the properties located on 10th Avenue West, etc. The inconvenience might even cause additional cost for any property maintenance activities – for example, if we were to hire work on our property requiring heavy equipment, it might cost extra to haul it to whatever parking was available to the work vehicle. And if the Post Office found they had difficulty parking, there is precedence currently nearby on Market Street that they would block off a parking place all for themselves, thereby exacerbating the situation.

When all available parking is taken, then, too, we already find that people double park who are able to rationalize a quick stop, thereby causing traffic problems along these congested streets. And the volume and complexity of traffic would increase, contributing to additional problems for residents, with 13-20 employees arriving, parking and leaving such a small area at peak traffic volume times during the day.

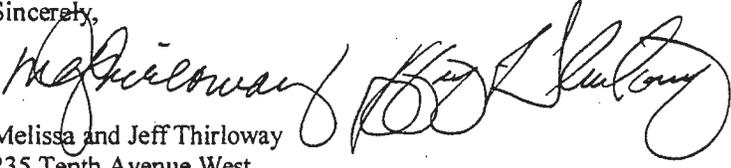
The city should also consider other projects planned or in the process of being built. For example, the new building on the northwest corner of 11th Avenue West and Market Street will have an impact on parking in segments represented in the parking study, and certainly the impetus towards more and larger businesses along Market will further decrease the amount of available parking in the future. In addition, the issue of precedence in granting a variance in this case is a concern as it will impact variance requests for future businesses who want special considerations to alleviate any building code restrictions – this will logarithmically increase the impact of this kind of character change and density/use increase in the future to the detriments of all neighborhoods bordering Market Street.

Parking in front of one's own home is not guaranteed by any city regulation, but it is something that the residents of this neighborhood greatly desire, feel they deserve, and jealously guard. For instance, in segments 4 and 5, residents have painted curb areas yellow where they feel other people shouldn't be parking. Forcing people to park blocks away from their homes is a symptom of the change of character that this project may affect on this neighborhood.

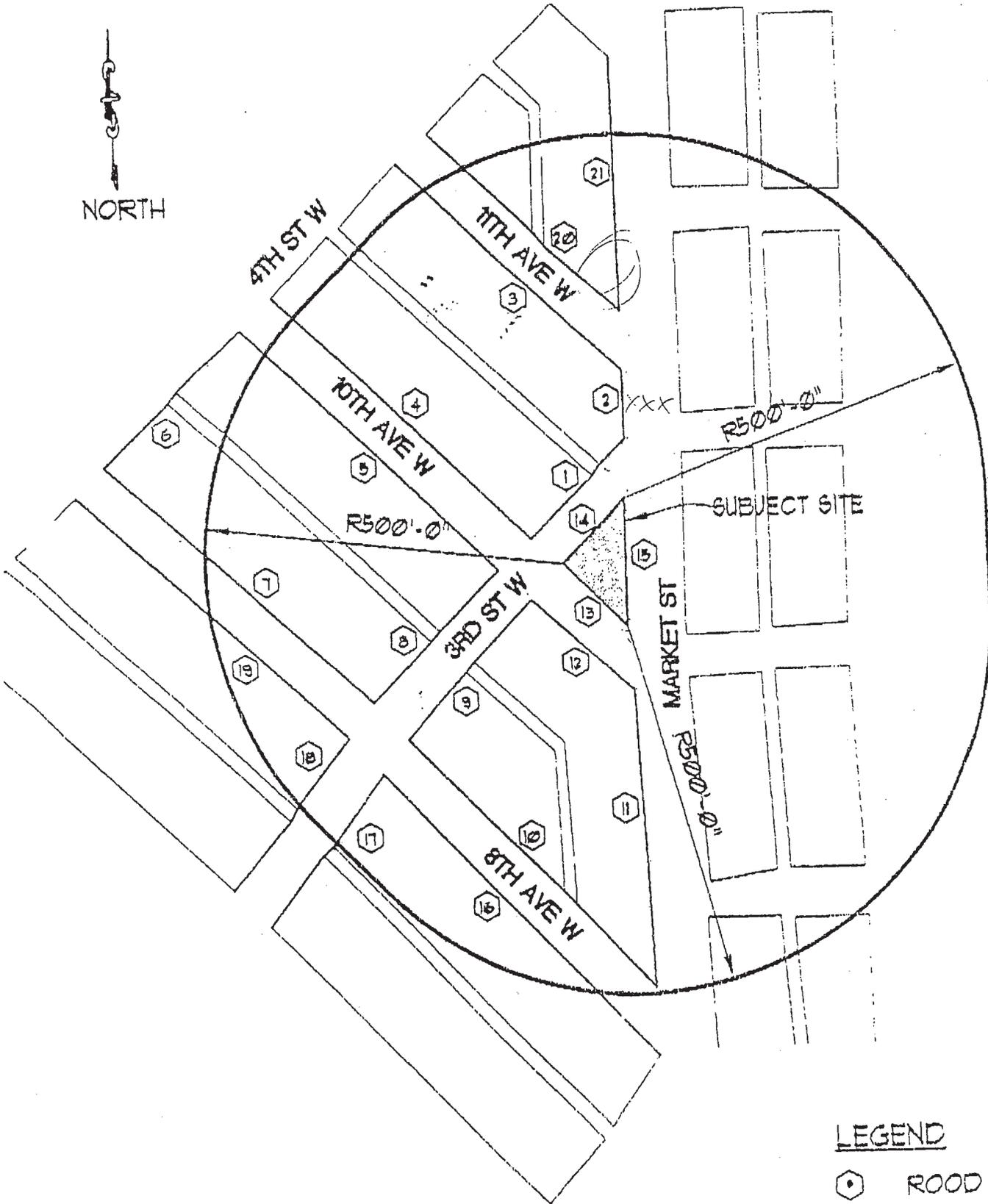
We feel strongly that, should the variances be granted and the parking and traffic issues be realized as we've described above, the impact to the value of our property on 10th Avenue West would be highly detrimental. Our home is a major financial investment, one we were planning on as a source of security for our retirement. While we know that the subject site is zoned for commercial purposes and are willing to accept a business, we feel that any occupant must abide by the building codes in place at the time that they purchased the property. Surely Curtis Gelotte was well aware of the setback requirements on this property before purchasing it.

Granting the setback variances, in our opinion, would adversely impact us financially, likely adversely impact our access to and use of our home, and significantly change the character and nature of the neighborhood. Although we think that Curtis Gelotte would be an excellent neighbor to have, for the reasons listed above we would respectfully request that the variance be denied.

Sincerely,



Melissa and Jeff Thirloway
235 Tenth Avenue West
Kirkland, Washington 98033



LEGEND

⬡ ROAD SEGMENT

ON-STREET PARKING DIAGRAM



VENTURE PARTNERS

1010 Market Street, Kirkland, WA 98033
P 425.889.9192 F 425.889.0152
www.ovp.com

RECEIVED
DEC - 2 2002

.....AMPM
PLANNING DEPARTMENT
BY _____

November 26, 2002

Tony Leavitt
City of Kirkland
Planning and Community Development Department
123 Fifth Ave.
Kirkland, WA 98033

Dear Mr. Leavitt:

Re: 1009 Market Street Variance, File # IIA-02-50

We are located at 1010 Market Street. Construction on our building was completed last in May 2002. We, along with Architectonics located at 1014 Market Street, went through a lot of difficulties to keep our neighbors happy with regards to their view corridor. We had to move the mechanical equipment on the roof to open up the view corridor for our easterly neighbors.

We strongly object to the issuance of a variance to the set back along 10th Avenue.

Sincerely,

Bill Funcannon
Administrative Partner

BF/kd

ATTACHMENT <u>11</u>
<u>IIA.02.50</u> 141

December 6, 2002

DiAnn Bottomley/Robert Gutierrez
311 10th Avenue West
Kirkland, WA 98033

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DEC - 9 2002

PLANNING DEPARTMENT
BY *[Signature]*

Tony Leavitt, Project Planner
City of Kirkland
123 5th Ave
Kirkland, WA 98033

Re: 1009 Market Street Variance, File Number IIA-02-50

Dear Mr. Leavitt,

As neighbors of the proposed project to be built at 1009 Market Street, Robert and I support the Variance to allow the reduction of two of the three required front yard setbacks.

We believe the new building will enhance and add to the value (monetarily and aesthetically) of the Kirkland neighborhood. We believe that adding an eclectic mix of venues to a residential neighbor promotes a strong sense of community.

The reduction of the setbacks offers similar distance as to what would normally be side yard setbacks. We encourage the Planning Department and the Hearing Examiner to approve this variance.

DiAnn Bottomley
DiAnn Bottomley

425-827-0870 dibot7@hotmail.com

ATTACHMENT 12
IIA-02-50 143

Section 25.10



USE ZONE CHART

ATTACHMENT 13
JIA-02-50

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 25.10	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.030	Office Uses	None	None	20'	5' but 2 side yards must equal at least 15'	10'	70%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C	D	If Medical, Dental or Veterinary office, then one per each 200 sq. ft. of gross floor area. Otherwise one per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: <ol style="list-style-type: none"> a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

August 13, 2002

Lisa Lu
c/o Curtis Gelotte Architects
150 Lake Street South, Suite 208
Kirkland, WA 98033

Subject: 1009 Market Project Modification Request

Dear Ms. Lu:

On July 19th, 2002; a letter was submitted by your office requesting a Landscape Buffer Modification for the property located at 1009 Market Street. The proposed modification would reduce the required landscaping buffer along 3rd Street West from the required 15 feet to 7.5 feet. Kirkland Zoning Code section 95.25.9 states that an applicant may request a modification of the requirements of this section (KZC section 95.25). The Planning official may approve a modification if the owner(s) of the adjoining property(ies) agree(s) to this in writing and the location of pre-existing improvements on the adjoining site eliminates the need or benefit of the required landscape buffer.

Along with your letter, you included two letters from the adjoining property owners at 300 10th Avenue West and 1010 3rd Street West. The Warners and Tuckers have both agreed to the modification request and have signed the attached letters. As a result, this requirement has been met.

The letter also included a statement addressing the second criteria. During a site visit, I noted the presence of existing improvements (between the subject property and the adjacent properties) including landscaping, sidewalks, and the paved roadway within the 3rd Street West right-of-way. Based on these observation and staff analysis it is my belief, as the Planning Official, that the proposed modification meets the second criteria. As a result, the proposed modification of the landscaping buffer along the 3rd Street West side of the property is approved. The required landscaping buffer will be 7.5 feet for this side, instead of the required 15 foot buffer.

If you have any further questions regarding the information listed above, please do not hesitate to contact me at (425) 576-2907.

Sincerely,

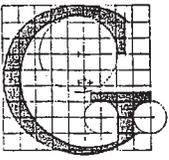
PLANNING AND COMMUNITY DEVELOPMENT



Tony Leavitt
Planner

CC: Notebook

ATTACHMENT 14
IIA-02-50
147



CURTIS GELOTTE
Architects

July 19, 2002

Tony Leavitt
City of Kirkland
Dept. of Planning & Community Development
123 Fifth Ave.
Kirkland, WA 98033-8189

Reference: Modification of 15-foot landscape buffer along the Northwest property line of
1009 Market Street. Modification requested per KZC Chapter 95.25.9
Project: 1009 Market Street W, Kirkland
Permit Plan No: XXX

Dear Tony,

Enclosed herewith please find the supporting documents for modification of landscape buffer requirements.

- The writing agreements from two owners of the adjoining property.
- The site plan, drawn at 1" = 20', showing:
 - Proposed landscape buffer on 3rd street W
 - Proposed the landscape layout in the buffering areas
- A sketch of the southwest building elevation

The proposed property is located at 1009 Market Street W in PR-Office Uses zoning. The surrounding lots are being used as residences. We are planning an office building for our self, an architect firm on the subject site. The square footage of the building is about 4,290 s.f.

We asked our neighbors if they would agree to a reduction in the required landscape buffer for our proposed property. They agreed to our proposal and signed letters to that affect. We have attached the letters dated May 16, 2002 and June 1st, 2002.

Based on receiving these letters we are requesting, from the City of Kirkland, a modification of the standard 15-foot landscape buffer requirement for Zone PR-office uses (Landscape Category C).

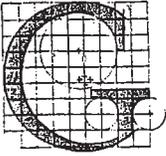
The subject property has a triangle shape, and bounded by Market Street from east, by 3rd Street W from northwest and by 10th Ave W from southwest. The lot size is only 8,128 s.f. Our request for modification asks for reduction of landscape buffer requirement on 3rd Street W from 15 feet to 7.5 feet.

As stated in Chapter 95, Section 95.25.9 the Planning Official may approve a modification if the owner of the adjoining property agrees to the reduction in writing and if any one the other criteria in 9b, 9c, 9d or 9e, is met. We feel that each condition 9a, 9d and 9e, can be applied to our request.

150 Lake St. S.
Suite 208
Kirkland, WA
98033

T 425.828.3081
F 425.822.2152
www.gelotte.com

D:\0215 CGA Office\New Project 24x36\Correspondence\Modification2.doc



CURTIS GELOTTE
Architects

- 9a – The neighboring properties along with 3rd Street W have agreed the proposed modification.
- 9d – For the properties to the Northwest, it can be anticipated that the adjoining property will be redeveloped in foreseeable future to a use that would require no, or less intensive buffer.
- 9e – The location of pre-existing improvements on the adjoining site eliminates the need or benefit of the required landscape buffer, because 3rd Street W, and the improvements along with the street naturally 60 feet separate neighboring properties and the subject property.

We believe that such a modification is necessary so that a reasonably sized office space can be successfully developed on the subject site.

Please review the information for our requirement. We sincerely hope Department of Planning and Community Development approves our request so that this unique site can be finally utilized and developed.

Best regards

CURTIS GELOTTE *Architects*

Lisa Lu
Project Manager
Email: lisal@gelotte.com

150 Lake St. S.
Suite 208
Kirkland, WA
98033

T 425.828.3081
F 425.822.2152
www.gelotte.com

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Tony Leavitt
City of Kirkland
Dept. of Planning & Community Development
123 Fifth Avenue
Kirkland, WA 98033-8189

Re: Modification of 15-foot landscape buffer along the Northwest and Southwest property lines of 1009 Market Street. Modification requested per Chapter 95, Section 95.25.9.a.

Dear Mr. Leavitt:

The undersigned, Charles and Jane Warner, are the property owners of the residence located at 1010 3rd Street West, Kirkland, Washington 98033. Our property is located directly across the street from the property located at 1009 Market Street.

We agree to a lessening of the typical 15 foot landscape buffer along our "adjoining" property line to 7-1/2 feet. We understand that the remainder of the buffer area will be used for an underground parking garage for the future building at 1009 Market Street.

Charles S. Warner
Charles Warner

JUNE 1, 2002
Date

Jane M. Warner
Jane Warner

June 1, 2002
Date

Tony Leavitt
City of Kirkland
Dept. of Planning & Community Development
123 Fifth Avenue
Kirkland, WA 98033-8189

Re: Modification of 15-foot landscape buffer along the Northwest and Southwest property lines of 1009 Market Street. Modification requested per Chapter 95, Section 95.25.9.a.

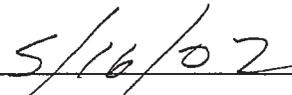
Dear Mr. Leavitt:

The undersigned, Dave and Patty Tucker, are the property owners of the residence located at 300 10th Avenue West, Kirkland, Washington 98033. Our property is located directly across the street from the property located at 1009 Market Street.

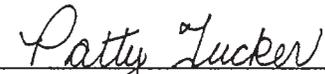
We agree to a lessening of the typical 15 foot landscape buffer along our "adjoining" property line to 7-1/2 feet. We understand that the remainder of the buffer area will be used for an underground parking garage for the future building at 1009 Market Street.



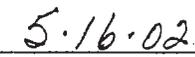
Dave Tucker



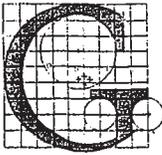
Date



Patty Tucker



Date



CURTIS GELOTTE
Architects

CRITERIA SHEET for Variances

- 1) The Variance would not have any adverse effect on the properties and improvements in the area of the subject property and the City as a whole. The proposed office building is consistent with the current zoning and Comprehensive plan. The proposed building footprint of 2736 square feet is smaller than most other similarly zoned properties west of Market Street, and all of the parking is screened by the building itself. Required landscape buffers along 3rd Street West and 10th Ave. West will be provided. The City has allowed a Modification of the landscape buffer along 3rd Street West.
- 2) The Variance is necessary because of the size and shape of the property. The subject lot is a triangle shape, a small size, and unique in that it has public Rights-of-Way on all three property lines. The lot is only 8,120 SF. Applying three front setbacks of 20 feet reduces the buildable area to only 1,753 SF, or 21.6% of the lot size. Typical properties west of Market Street have an average buildable area of 59.38% of lot size. The requested reduction of front yards to five feet and ten feet allows for buildable area of 43.6% of the lot size, and the proposed building covers only 33.7% of the lot size. Both are less than the average similar property. Refer to Drawing V4 for tabulation of similar properties west of Market Street.
- 3) The variances do not constitute a grant of the special privilege, but merely allows for development that is closer to, but still less than, similar neighboring properties.

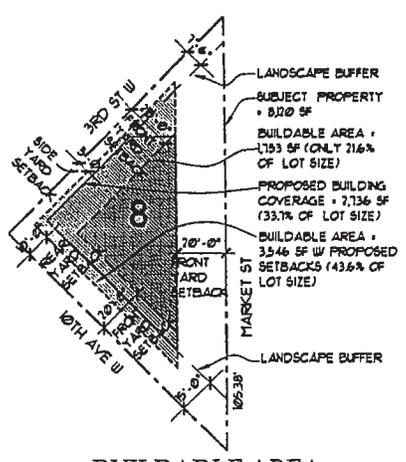
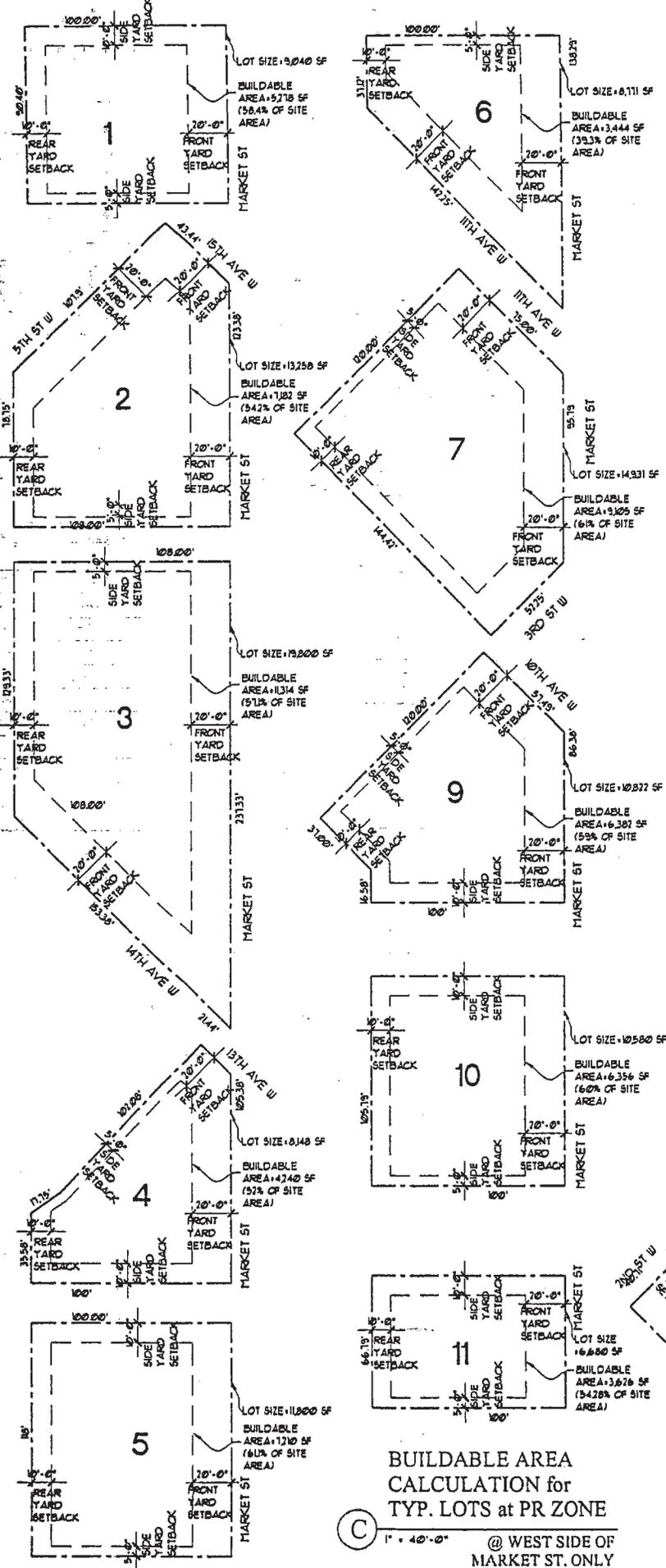
150 Lake St. S.
Suite 208
Kirkland, WA
98033

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8/15/02

T 425.828.3081
F 425.822.2152
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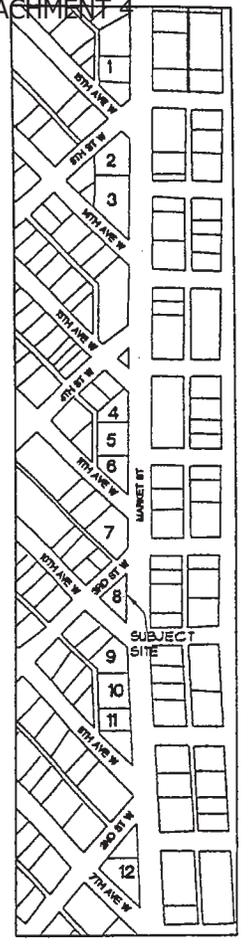
ATTACHMENT <u>15</u>
<u>IIA 02 50</u> 153



B BUILDABLE AREA CALCULATION for SUBJECT SITE
1" = 40'-0"

LOT	LOT SIZE (SF)	BUILDABLE AREA (SF)	BUILDABLE AREA x 100% LOT SIZE
1	9,040	5,278	58.4%
2	13,258	7,182	54.2%
3	19,800	11,314	57.1%
4	8,148	4,240	52%
5	10,200	7,210	61%
6	8,711	3,444	39.3%
7	14,931	9,105	61%
8	10,580	6,356	60%
9	6,680	3,676	54.28%
10	12,330	5,390	43.7%
AVERAGE	11,469	6,811	59.38%

• 54.6% is average of all parcels



A SITE LOCATION DIAGRAM
NO SCALE

NO.	DATE	REVISION

CURTIS GELOTTE Architects
3511 REGISTERED ARCHITECT
150 Lake St. S.
Suite 208
Kirkland, WA 98033
P 425.822.3561
F 425.822.2152

CGA OFFICE

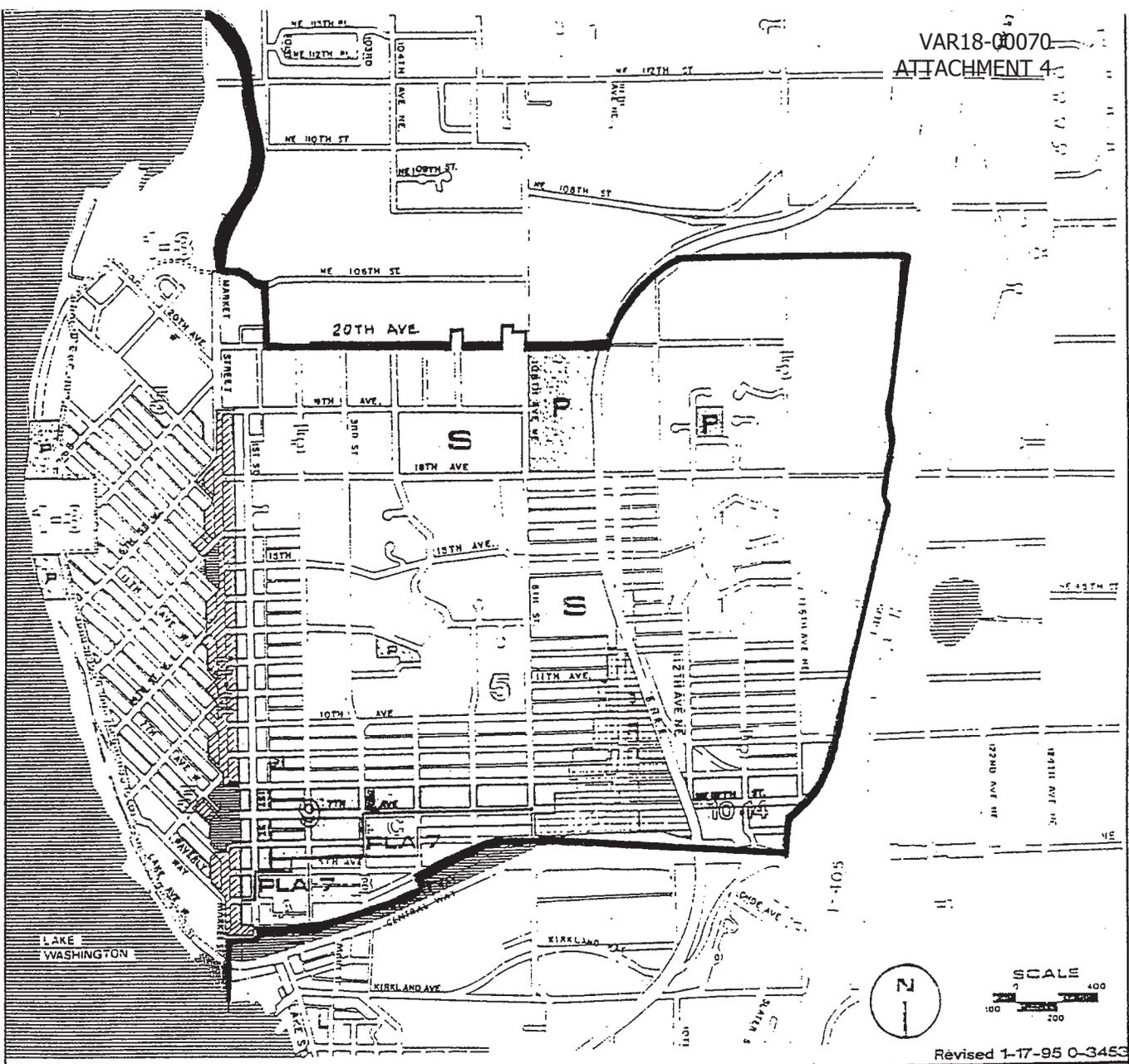
1009 MARKET STREET
KIRKLAND, WA 98033

BUILDABLE AREA CALCULATION TYP. LOTS at PI

DATE: 08/15/02
JOB NUMBER: 0215
FILE: A11.dwg
SHEET NO: V4

C BUILDABLE AREA CALCULATION for TYP. LOTS at PR ZONE @ WEST SIDE OF MARKET ST. ONLY
1" = 40'-0"

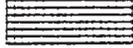
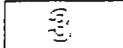
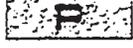
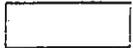
ATTACHMENT 16
TIA 02.50



Revised 1-17-95 O-3453

*Note: Future lots north of 20th Ave. that access through the Norkirk neighborhood, are in the Norkirk neighborhood

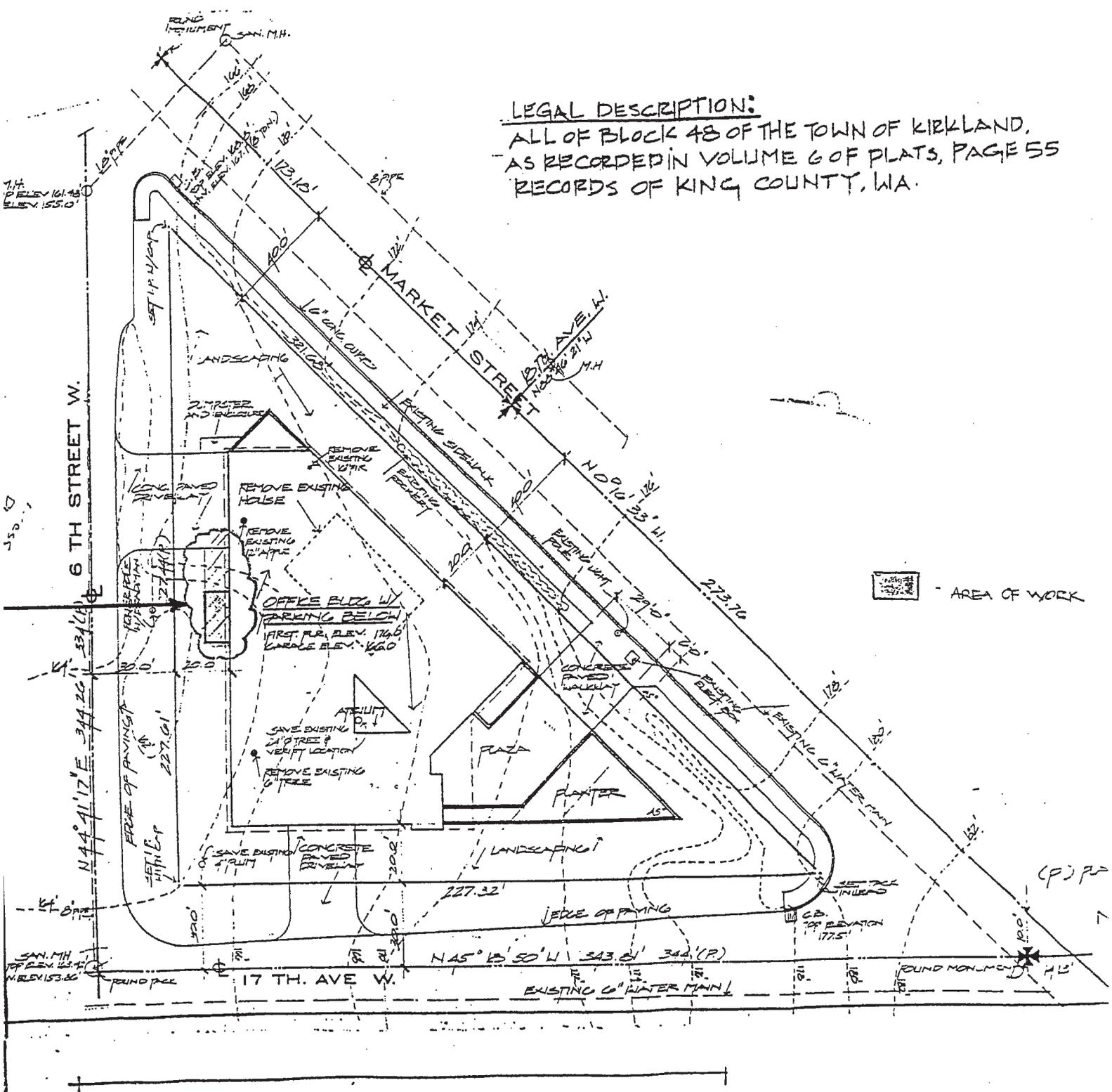
LEGEND

- | | | | |
|---|--|---|-----------------|
|  | Low Density Residential |  | Commercial |
|  | Medium and High Density Residential |  | Industrial |
|  | Maximum Density (in dwelling units/acre) |  | Schools |
|  | Office/Multi-Family |  | Parks |
|  | Planned Area |  | Bodies of Water |

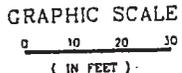
Ordinance No. 3223

Figure MNH-2: Market/Norkirk/Highlands Land Use

LEGAL DESCRIPTION:
ALL OF BLOCK 48 OF THE TOWN OF KIRKLAND,
AS RECORDED IN VOLUME 6 OF PLATS, PAGE 55
RECORDS OF KING COUNTY, WA.

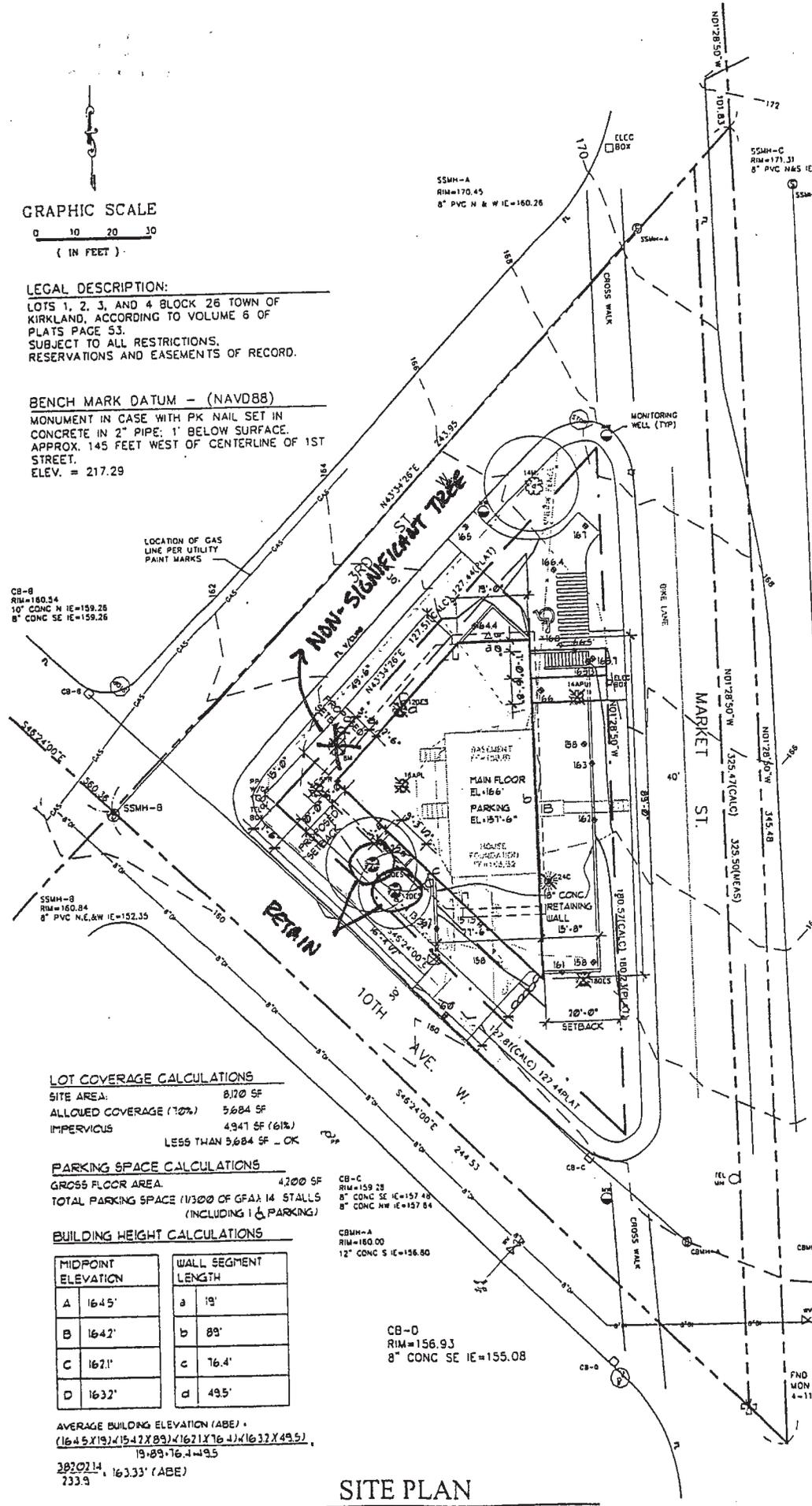
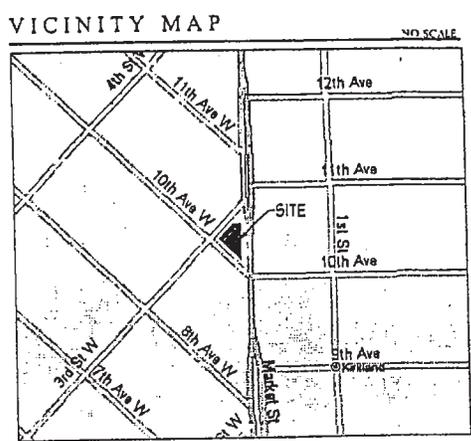


AREA OF WORK



LEGAL DESCRIPTION:
LOTS 1, 2, 3, AND 4 BLOCK 26 TOWN OF KIRKLAND, ACCORDING TO VOLUME 6 OF PLATS PAGE 53, SUBJECT TO ALL RESTRICTIONS, RESERVATIONS AND EASEMENTS OF RECORD.

BENCH MARK DATUM - (NAVD88)
MONUMENT IN CASE WITH PK NAIL SET IN CONCRETE IN 2" PIPE, 1' BELOW SURFACE, APPROX. 145 FEET WEST OF CENTERLINE OF 1ST STREET. ELEV. = 217.29



LOT COVERAGE CALCULATIONS
SITE AREA: 8,170 SF
ALLOWED COVERAGE (70%): 5,684 SF
IMPERVIOUS: 4,941 SF (61%)
LESS THAN 5,684 SF - OK

PARKING SPACE CALCULATIONS
GROSS FLOOR AREA: 4,200 SF
TOTAL PARKING SPACE (1/300 OF GFA) 14 STALLS (INCLUDING 1 CAR PARKING)

BUILDING HEIGHT CALCULATIONS

MIDPOINT ELEVATION	WALL SEGMENT LENGTH
A 1645'	a 19'
B 1642'	b 89'
C 1621'	c 76.4'
D 1632'	d 49.5'

AVERAGE BUILDING ELEVATION (ABE) =
 $(1645 \times 19) + (1642 \times 89) + (1621 \times 76.4) + (1632 \times 49.5) / (19 + 89 + 76.4 + 49.5)$
= 1633.3' (ABE)
202.0214
233.9

NO.	DATE	REVISION

CURTIS GELOTTE Architects
3511 REGISTERED ARCHITECT
150 Lake St. S.
Suite 258
Kirkland, WA 98033
T 425.822.2001
F 425.822.2152

CURTIS GELOTTE
STATE OF WASHINGTON

CGA OFFICE

1009 MARKET STREET
KIRKLAND, WA 98033

SITE PLAN

DATE: 08/15/02
JOB NUMBER: 0215



CONCOMITANT AGREEMENT RELATING TO CONSTRUCTION OR INSTALLATION OF PUBLIC IMPROVEMENTS

Parcel Data File:

THE UNDERSIGNED acknowledge that application has been made to the City of Kirkland for:

<i>Subdivision Approval File No.:</i>
<i>Substantial Development Permit File No.:</i>
<i>Building Permit No.:</i>
<i>Zoning Permit File No.:</i>
<i>Parcel No.:</i>
<i>Project Name:</i>
<i>Project Address:</i>

for proposed development of the hereinafter described real property, which development, alone or in conjunction with existing and/or future developments, makes necessary certain public improvements and that such additional public improvements will benefit said real property.

THE UNDERSIGNED warrant to the City of Kirkland that they are all the owners of the real property hereinafter described with full power to enter into agreements and/or covenants which will run with the land.

In lieu of actual construction of required public improvements at this time, and also to provide for mitigation of the impacts of the proposed development, THE UNDERSIGNED agree to immediately install or pay for, as instructed by the City of Kirkland in written notice given within fifteen (15) years from the date of this Agreement, (_____ percent of the cost of signal(ization) (modification), channelization, and other necessary improvements to the intersection of _____, the proportionate share of the cost, which shall be limited to City sources of funding, of undergrounding overhead utility lines adjacent to the property frontage within the _____ right-of-way, and the following described half-street right-of-way improvements adjacent to the property frontage within the _____ right-of-way, including, but not limited to, the following:

1. Vertical curbs, gutters, and underground storm drainage, street widening
2. Sidewalk
3. Landscape strip and street trees
4. Project administrative and engineering costs
5. Other: _____

ATTACHMENT <u>20</u>
<u>TIA 02.50</u> 163

Any money paid by THE UNDERSIGNED to be used by the City toward the cost of a public improvement shall be subject to the repayment provisions of RCW 82.02.020 unless the basis for requiring the payment is the mitigation of an adverse environmental impact required by RCW 43.21C or Chapter 24.02 Kirkland Municipal Code, in which case RCW 82.02.020 shall not apply.

THE UNDERSIGNED agree to be responsible for the full performance of this agreement until the City actually accepts the improvement and hereby secure this performance as binding upon all of the owners of the real property hereinafter described and their heirs, successors and assigns and agrees that this agreement shall run with the land described as follows:

See Exhibit A

The provisions of this agreement may be enforced by civil action commenced by either party for specific performance, civil damages, equitable relief, or declaratory judgment. Provided, however, that in any action commenced to enforce this agreement, the validity or appropriateness of the payment for or installation of the specified public improvements by THE UNDERSIGNED shall not be raised as an issue, since opportunity to raise such issue has been available. The prevailing party in any enforcement action upon this Agreement shall be entitled to reasonable attorneys' fees.

DATED at Kirkland, this _____ day of _____, _____.

(Individuals Only)

OWNER(S) OF REAL PROPERTY
(INCLUDING SPOUSE)

(Partnerships Only)

OWNER(S) OF REAL PROPERTY

(Name of Partnership or Joint Venture)

By General Partner

By General Partner

By General Partner

(Corporations Only)

OWNER(S) OF REAL PROPERTY

(Name of Corporation)

By President

By Secretary



MAINTENANCE AGREEMENT - LANDSCAPE STRIP AND SIDEWALK

Parcel Data File: _____, Kirkland

This agreement is entered into between each of the undersigned owners of real property and the City of Kirkland in consideration of approval by the City of a land use permit under City of Kirkland File/Permit No. _____ for the hereinafter described real property in Kirkland, King County, Washington, and Section 110.60.5, Kirkland Ordinance 3719, and subsequent amendatory ordinances. For the purposes of this agreement, the phrase "Landscape Strip" shall mean the landscaped portion of the public right-of-way fronting the hereinafter described real property. For this file, the specific right(s)-of-way (is) (are):
_____.

Each undersigned owner hereby agrees to plant the Landscape Strip abutting the lot or lots owned by such owner when required by the City with vegetation approved by the City and to install root deflectors for any street trees therein planted as may be required by Sections 110.30, 110.35, 110.40, 110.45, or 110.50, Ordinance 3719. Each undersigned owner further agrees to maintain such vegetation and, in the meantime, to maintain the vegetation presently within the Landscape Strip.

Each undersigned owner hereby agrees to keep the sidewalk fronting the hereinafter described property clean and litter-free.

Each of the undersigned owners agree to defend, pay, and save harmless the City of Kirkland, its officers, agents, and employees from any and all claims of every nature whatsoever, real or imaginary, which may be made against the City, its officers, agents, or employees for any damage to property or injury to any person arising out of the maintenance of said Landscape Strips abutting said owner's property or the actions of the undersigned owners in carrying out the responsibilities under this agreement, excepting therefrom only such claims as may arise solely out of the gross negligence of the City of Kirkland, its officers, agents, or employees.

This Agreement shall be binding upon the heirs, successors and assigns of each of the undersigned owners and shall run with the land. This Agreement shall, at the expense of the undersigned owners, be recorded by the City of Kirkland with the King County Department of Elections and Records.

The real property owned by the undersigned and the subject property of this Agreement is situated in Kirkland, King County, Washington, and described as follows:

Exhibit A

DATED at Kirkland, Washington, this _____ day of _____, _____.

ATTACHMENT	21
IJA.02.50	165

Tony Leavitt

From: Solom Heddaya <solom.heddaya@gmail.com>
Sent: Thursday, May 31, 2018 1:20 PM
To: Tony Leavitt
Subject: Comment on VAR18-00070

Hello,

I am very strongly against the setback variance.

I live on 10th Ave W, so this property is on my daily path.

I was hopeful when I first noticed the demolition, that the city was building a park in this spot - a space for passers-by to rest their eyes on greenery and maybe their bodies too on benches.

Now I see a plan that not only creates yet another building, but that also encroaches on the minimal setbacks designed to ensure that buildings don't overshadow and hem-in the adjoining streets.

If we cannot get a little park there, can we at least respect the setbacks?

Thank you for the opportunity to comment, and for displaying the notice prominently on the adjoining streets.

Solom Heddaya
433 10th Ave W
Kirkland, WA 98033

Tony Leavitt

From: Dunn, John <dunn.jb@ghc.org>
Sent: Tuesday, May 29, 2018 5:43 PM
To: Tony Leavitt
Subject: Market Street Dental Clinic Variance (permit no. VAR18-00070)

To whom it may concern,

Writing to provide brief comments on the Market Street Dental Clinic Variance (permit no. VAR18-00070).

I support having the variance approved.

I have been a resident of Kirkland for 17 years, and have lived that entire time in a house on Market Street (located several blocks north of the proposed clinic). I recall that there was a small house on that lot that was demolished about 10(?) years ago; since then the lot has been vacant and untended. The construction of a building (*any* building) on that site would frankly be a welcome improvement to the streetscape.

I have long wondered (though I'll admit that I do not know) whether this lot has remained vacant for the past decade because the actual buildable area was so small that it was impossible to put a useful building on the lot. If that is the case, and if that situation can be ameliorated with the relatively-minor setback variations proposed here, then I would view that as a worthwhile tradeoff for the city to make.

Thank you for your consideration.

Best regards,

John Dunn
2083 Market St
Kirkland, WA 98033

KP Confidentiality Statement

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Tony Leavitt

From: Mark Nickerson <markni@outlook.com>
Sent: Saturday, May 26, 2018 9:23 AM
To: Tony Leavitt
Subject: Market Street Dental Clinic Variances, Case No. VAR18-00070

Mr. Leavitt:

Unless the City can clearly demonstrate the benefit of these zoning variances to the neighborhood, you should deny the requests please.

Reducing the Market Street setback from 20 feet to ZERO, creates a traffic hazard. Drivers entering Market Street from 10th Avenue West will have their visibility to oncoming traffic impaired, creating a public safety hazard and subjecting the City to potential litigation. And I see no benefit to the neighborhood for the other two requests.

Please keep me informed of the City's position on these requests.

Thank you,
Mark Nickerson
307 10th Ave West

Tony Leavitt

From: Mark Nickerson <markni@outlook.com>
Sent: Wednesday, May 30, 2018 10:07 AM
To: Tony Leavitt; Mark Nickerson
Subject: RE: Market Street Dental Clinic Variances, Case No. VAR18-00070

Thank you for forwarding the application materials yesterday. The renderings of the proposed building and landscaping by the owner's architect were very helpful.

My overriding concern is increased traffic on 10th Avenue West. A couple of years ago, I contacted the City about speeding on 10th Avenue West. They monitored the traffic for a couple of weeks and concluded that the average speed on 10th Avenue West was 32 miles per hour where the speed limit is 25. Granting variances for the Market Street Dental Clinic so the capacity of the building can be increased will only increase traffic and make things worse on 10th Avenue West.

I will be submitting a more formal comment once I have reviewed the application materials.

Thank you,
Mark Nickerson

From: [Tony Leavitt](#)
Sent: Wednesday, May 30, 2018 8:45 AM
To: '[Mark Nickerson](#)'
Subject: RE: Market Street Dental Clinic Variances, Case No. VAR18-00070

Thank you for the public comment. Staff will review and add you as a party of record.

Tony Leavitt, Senior Planner
City of Kirkland Planning and Building Department
123 5th Avenue; Kirkland, WA 98033
Phone: 425.587.3253
Fax: 425.587.3232
tlevitt@kirklandwa.gov
Work Hours:
M, T, TH, F: 6:30am to 3:30pm
W: 6:30am to 1:00pm

“Kirkland Maps” makes property information searches fast and easy.
GIS mapping system now available to public at <http://maps.kirklandwa.gov>

From: Mark Nickerson [mailto:markni@outlook.com]
Sent: Saturday, May 26, 2018 9:23 AM
To: Tony Leavitt
Subject: Market Street Dental Clinic Variances, Case No. VAR18-00070

Mr. Leavitt:

Unless the City can clearly demonstrate the benefit of these zoning variances to the neighborhood, you should deny the requests please.

Reducing the Market Street setback from 20 feet to ZERO, creates a traffic hazard. Drivers entering Market Street from 10th Avenue West will have their visibility to oncoming traffic impaired, creating a public safety hazard and subjecting the City to potential litigation. And I see no benefit to the neighborhood for the other two requests.

Please keep me informed of the City's position on these requests.

Thank you,
Mark Nickerson
307 10th Ave West

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Nicole and Kenneth MacKenzie
kirklandcity@screamforicecream.net
236 7th Ave W
Kirkland, WA 98033

June 12, 2018

City of Kirkland
Tony Leavitt, Senior Planner - tleavitt@kirklandwa.gov
City of Kirkland Planning and Building Department
123 5th Avenue
Kirkland, WA 98033

Ref: Market Street Dental Clinic Variance, Notice of Application,
File Number VAR18-00070
1009 Market St

Dear Mr. Leavitt,

We welcome conforming development of the triangular lot bounded by Market St, 10 Ave. W, and 3rd St. W. We look forward to a new and attractive building consistent with the zoning of the property and the neighborhood which allows safe navigation of Market St. and adjoining streets by pedestrians, bike riders, and vehicle drivers.

We strongly object to the application for several variances to the setback requirements for the property and the proposed building design. We therefore urge the City to reject the zoning variance application entirely and require changes to the proposed building design.

Our objection to the zoning variance request is based on:

- Extremely unsafe pedestrian, bike, and traffic safety situations at the intersection of 10th Ave. W and Market St. that would be created by:
 - Not conforming to the required 20 foot setback from Market St.
 - The proposed building awning along Market St.
- Inappropriate intrusion into the surrounding residential neighborhood by not conforming to the established setbacks along 3rd St. W and 10th Ave. W that are part of the existing correct, effective, and appropriate zoning regulations for the property.
- Dramatic inconsistency with its immediate neighborhood. All buildings in the vicinity of this project along Market St. conform to zoning or were built with minor variances (e.g., the Dibble project at 1029 Market – see file DRV16-03090). The result is that Market St., 10th Ave. W, and 3rd St. W are attractive places to “be”. Market St., in particular, is a comfortable leafy urban boulevard with mature trees and pleasantly landscaped borders.
- Remoteness from the intersection of 7th Ave. W and Market St. where the existing buildings with zero lot lines do not establish any sort of precedent for this project:
 - These buildings are:
 - In a different neighborhood several blocks from this project
 - Have no planning relationship to the project
 - Zoned commercial rather than office
 - Three of the four buildings date from the very early days of Kirkland when the intersection was planned as the downtown hub – a vision that has never been met. The fourth is a relatively new multi-story condo development that has a brick exterior clearly intended to fit in with the other three.
 - The intervening buildings south along Market St. between this project and the intersection with 7th Ave. W are residences or residences converted to offices that conform to the zoning setback requirements. The lots are attractively landscaped and fit in with the leafy and green look and feel of the Market St corridor.

- Lack of any sort of “hardship” (KZC 120.05) associated with developing this property according to existing zoning. Rather, the owner/developer appears to simply prefer or desire a use that is strongly counter to existing zoning.

Regardless of decisions concerning zoning, planning for on-street parking related to development of this property needs to include consideration of the new configuration of 3rd St. W resulting from development of 1029 Market St. It appears that the number of nearby on-street parking spaces will be reduced compared to the street layout shown in the plans that are part of file VAR18-00070.

The safety of the intersection of 10th Ave. W and Market St. as it relates to the requested zoning variance deserves special attention as the situation is not widely understood. A building that does not conform to existing setback zoning on Market St. at this intersection increases the danger for everyone beyond what can be tolerated. The most severe danger is to:

- People attempting to cross Market St. from 10th Ave. W, especially from the NW corner.
- Bike riders or car/truck drivers attempting to cross Market St. or enter Market St. in either direction.
- Bikes riders or car/truck drivers heading south on Market St. approaching the intersection when a car on 10th Ave. W is attempting to cross Market St. or enter Market St. in either direction.

Please note that the impact of building setback on traffic safety came up during the Design Review Board discussions of the Dibble project at 1029 Market St. (see file DRV16-02204) and was one of several reasons for requiring both a nearly conforming Market St. setback and also an understanding that the landscape design would have to ensure adequate sightlines, especially north on Market from 3rd St. W. These design requirements were chosen even though the traffic situation at 3rd St. W and Market is inherently safer than the one at 10th Ave. W and Market because:

- 3rd St. W forms a standard right angle (90⁰) with Market St. – see below.
- The Market St. median prohibits 3rd St. W traffic from turning left to northbound Market St.

While the intersection of 10th Ave. W and Market St. has been tricky or even difficult for years, the severe danger posed by a building with less than 20' setback at this location became completely clear this winter. Construction fencing was erected on this lot along Market St. near the sidewalk because the lot was used as a staging area for public works projects on 1st St. In addition, advertising banners were plastered on the fence and almost completely blocked safe sight lines north of the intersection on Market St. This provided an accurate simulation of the requested Market St. setback variance.

The combination of the fencing, the geometry of the intersection, and the way the changing slope of Market St. obscures southbound bikes and cars created a dangerous situation. This clearly predicts the safety problems manufactured by a development with non-conforming setback on Market St.:

- Rather than a simple right angle 90⁰ intersection, this obtuse 45⁰ (or 135⁰) approach southeast bound on 10th Ave. W impinges significantly on the sightline for bike riders and drivers.
- As the driver on 10th Ave. W gets closer to Market St., the view of traffic on Market St. becomes more obscure because the cars are close together and driving directly toward the driver on 10th Ave. W.
- Southbound Market St has a down slope at this point and the sight line for these riders and drivers is further damaged by the slightly increasing slope. This can make bikes and cars on both sides of 3rd St. W almost “hide” as the bottom portion of bikes and vehicles on Market St. are obscured by the small relative “hill” created by the changing slope of Market St.

Someone checking this intersection during light traffic will not experience the problems presented by heavy traffic, nighttime situations, or bad weather and might erroneously decide that this intersection is “no big problem.”

Attempting to navigate this intersection is treacherous to everyone – pedestrians, bike riders, and drivers – regardless of the time of day or the type of weather.

Anytime it's dark and there is significant traffic, the bike rider and driver on 10th Ave. W at Market sees an unbroken string of headlights and the distance between them and their speed is extremely difficult to determine. The situation is made worse because some lights are initially obscured by the changing slope on Market St. and seem to appear out of nowhere. Bike riders heading south on Market are particularly hard to spot because their headlights get mixed in with the cars and they are on the bike lane alongside the stream of car headlights.

Today, with no building on the lot at 1009 Market St blocking the sightline, the bike rider or driver on 10th Ave W can “hang back” from the intersection which provides something of a viewing angle between the stream of cars and their position. This allows the bike rider or driver to get an idea of the speed and distance between the southbound cars on Market St. An additional problem for drivers on 10th Ave W is that the traffic on Market St approaching a speed limit change from 35mph to 25mph and thus the distance between cars is getting smaller as they approach the intersection – the traffic is compressing. With much patience and practice, riders and drivers can eventually “find the gap” where it is safe to turn or cross. This can be particularly difficult during daylight hours because riders and drivers do not have the benefit of headlights to alert them to the presence of a vehicle and vehicles become hidden behind other vehicles more frequently.

However, with a non-conforming setback, the “hang back” approach is not viable because the building is in the sightline of anyone on 10th Ave. W – pedestrian, rider, or driver. As stated earlier, this problem was demonstrated last Fall and Winter when construction fencing and advertising banners were placed along Market St. between 10th Ave. W and 3rd St. W.

Instead, the bike rider and driver must move into or across the pedestrian crosswalk in the attempt to see traffic on Market St. Often, the car or bike must intrude into the bike lane. All of this is clearly unsafe:

1. The car or bike in the crosswalk or bike lane clearly creates danger for bikes and pedestrians on Market St (especially AM runners who are really hard to spot in the dark and rain).
2. When drivers move closer or into the intersection, their viewing angle approaches 180⁰, making estimating the speed of oncoming traffic, location of bikes, and distance between cars even more difficult. All the rider or driver on 10th Ave. W sees is an unbroken oncoming stream of headlights that seem adjacent to each other.

The only viable way to preserve the relative safety and navigability of this intersection is to deny the setback variance request. Setback requirements serve useful purposes. In this case, it limits danger and thus can preserve lives and help reduce the risk of injury.

Of course, someone might propose granting the setback variance with a requirement to allow only right turns onto Market St. south from 10th Ave. W. There are a number of problems with this approach:

- It is inherently unfair to the public. All of the people who need to leave the west of Market neighborhood in the vicinity of 10th Ave. W and travel northbound on Market or cross Market St. (say, to get to Peter Kirk Elementary) would have to find an alternate route. It is inappropriate to cause trouble and inconvenience to so many to benefit one lot owner.
- 16th Ave. W is not a viable alternative because it has a poor northbound sight line on Market, already has a significant traffic load, and likely can't handle additional traffic.
- 13th Ave. W is not a viable alternative because it has a poor northbound sight line on Market, already has a significant traffic load, and likely can't handle additional traffic.
- 7th Ave. W is not a viable alternative because:
 - Southbound Market St. traffic interspacing is quite small due to the drop in speed limit from 35mph to 25mph that happens just north of 7th Ave. W.

- The left turn lane from southbound Market St. to 7th Ave. handles lots of traffic which has priority over left turning traffic from 7th Ave. W to northbound Market St. and creates an effective roadblock to traffic on 7th Ave. W.
- Putting a traffic light at 7th Ave. and Market St., or anywhere else on the Market St. corridor, is completely unacceptable because it will cut the traffic and transit capacity of Market St. This artery is close to or exceeds capacity in at least one direction from 6AM until after 7PM on weekdays, depending on the traffic situation on I-405. Any traffic delay today at rush hour causes a traffic standstill that can take an hour or more to unwind, whether the result of a Metro bus driver who decides to block traffic for passenger access or a pedestrian who dawdles while crossing Market St..

Supplemental information on MyBuildingPermits.com as part of Application ID 517552 asserts that without a setback variance, the property cannot be developed and works hard to build a “hardship” case to support the request. We object:

- We believe that the previous development attempt for this property was abandoned during the recent “great recession” after construction had started. It seems obvious that the economic situation then is so different from the current one that the development failure should not be referenced.
- There is no discussion about alternative conforming developments of this property, for example, townhouses. Such an alternative is likely viable, more beneficial to the neighborhood, would generate more tax revenue for the City, and conform to zoning.
- If the owner of this property needs or wants to relocate their business, the existing office building at 610 Market St. appears to be available and for sale.

The proposed setback variances on all three surrounding streets should be denied:

- Those along 10th Ave. W and 3rd St. Ware intrusive on the neighborhood and inconsistent with the surrounding buildings. They are thus inappropriate.
- The Market St. variance
 - Creates a clear danger to pedestrians, bike riders, and drivers.

Any attempt to mitigate the danger through artificial traffic restrictions will create a general hardship to the public:

- Citizens in the surrounding neighborhood far from the property by interfering with their access to Market St. and thus creating general hardship;
- Traffic flow on Market St. and its feeder streets;
- Public transit efficiency as a result of disruptions to Market St. traffic flow.
- Is inconsistent with neighboring development along Market St. and specifically inconsistent with the new development at 1029 Market St. which is now under construction after thorough review by the DRB.
- Is inconsistent with the “look and feel” of the existing urban leafy and green Market St. corridor.

We assert that:

- The setback zoning variance requested on the Market St, side, if granted, would create a completely unacceptable traffic safety problem at the intersection of Market St. and 10th Ave. W as well as being inconsistent with nearby properties and the “urban green and leafy” environment along Market St.
- The setback zoning variance requested along 3rd St. W and 10th Ave. W is inconsistent with the neighborhood and causes the property to inappropriately intrude on the neighborhood.

- There is no development “hardship” at play and the attempt in paragraph 3 of the application supplement on MyBuildingPermits.com to invoke KZC 120.05 is erroneous.
- The property owner:
 - Knew or should have known the zoning rules at the time the property was purchased; and
 - Knew or should have maintained knowledge of any changes to zoning that would have affected property development options.
- Development of the property is quite viable within the existing zoning rules should proper imagination be applied to the problem rather than attempting to “force fit” this property prejudicially into a prescribed use.

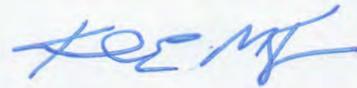
We observe that the application for multiple zoning variances builds a strong case that the proposed building purpose, plan, and design may be unwise and may not be economically viable. Thus, a change in purpose, plan, and design seems more appropriate than a series of zoning variances.

We urge the Hearing Examiner to deny all requested variances.

Regards,



Nicole MacKenzie



Kenneth E. MacKenzie

Re: VAR18-00070



To whom it may concern,

My name is Sherri Meyer and I have lived in Kirkland for over 38 years. I drive by this property daily and am happy to see someone finally interested in developing it. Over the years this vacant property has been an eyesore in the high-traffic Market Street area. Having an undeveloped property this close to Kirkland's city center and Waterfront Park does not contribute positively to Kirkland's feel and charm.

I encourage the Planning and Building Department to approve the alterations to the front yard setbacks so this property can be developed.

Warm regards,

Sherri Meyer

12231 NE 105TH St.

Kirkland, WA 98033-8830

Sherrimeyer105@gmail.com

Re: VAR18-00070

June 2, 2018

Tony Leavitt
City of Kirkland
Planning and Building Department
123 Fifth Avenue
Kirkland, Washington 98033

Re: Case No. VAR18-00070

Dear Tony,

Jeff and I have been Kirkland residents since November of 1980. As we go back through all the paperwork we've saved on potential development of the lot located at 1009 Market St., we see we don't have a start date for when discussions began on developing this property. But it goes back at least fifteen years, to the time when the then owner and architect, Curtis Gelotte, sought and got approval for a lovely office building on this site, which included variances. We thought those plans were thoughtful and fair to all involved.

We haven't seen the plans for the most recent building proposal, but we understand the set-backs are the thing at issue at the moment. Jeff and I don't have a problem with having a fifteen foot landscaping barrier along the property's border on 10th Avenue West. We accepted that variance when the Gelotte plans were approved. We don't remember the original set-back variances along Third Street West or on Market, but remember them being larger than what is currently proposed. The Gelotte plans and their accompanying variances were purchased by Ben Greene when he purchased the property, and he began building with those plans in mind, but did not complete the building as planned. Unfortunately, the scope of the plans has changed over time.

What we are very concerned about at this time is the look and feel/appropriateness of the proposed structure, and how it fits into the neighborhood. We very much want the scale of the building to fit in with all the other buildings along Market (not just the new building going up at the northwest corner of Market and Third St. W., which is much larger in scale than its neighbors). Reducing the original set-back variances will greatly increase the size of the proposed office building, and make a much bigger presence on Market and in the neighborhood. The size of the building and the two levels of underground parking also threaten to greatly increase commercial traffic in the residential portion of the neighborhood, since the access to the garage is off of 10th Avenue West. We deeply disagree with that trend.

We have also reviewed other commercial buildings on Market, and see that while most are set-back and in line with residential properties, some others do not have any set-back from Market Street. We do note, though, that those that aren't set back have street trees or other intentional landscaping

designs to soften their impact on the look and feel of this neighborhood, which we all know is mixed residential/commercial. We would like to highlight the residential part of that residential/commercial designation. This is still a neighborhood for all of us, including those structures (residences) bordering on this property, and we hope whatever building is allowed to move forward on this property still fits into the neighborhood character we all must share.

We note that the hearing dates for this project have not yet been set. We hope that you will schedule them for after June 21, 2018, so that we can attend. We would like to participate in those hearings and cannot be there before that date.

We thank you for your thoughtful consideration of our request, and hope you can empathize with our desire to retain the creative mixed-use adaptability of our neighborhood. We think it contributes to the charm and character of Kirkland, which are invaluable and precious assets to our tourism as well as ensuring our attractiveness to new residents.

Thank you for your time,

Melissa and Jeff Thirloway

Melissa and Jeff Thirloway
235 10th Avenue West
Kirkland, WA 98033
425-828-0943

Tony Leavitt

From: Stephen Sproul <Stephen.Sproul@PACCAR.com>
Sent: Thursday, February 07, 2019 3:25 PM
To: Tony Leavitt
Subject: Traffic Safety and VAR18-00070

This e-mail is about granting the variance (VAR18-00070) for reducing the Market Street setback from 20 feet to 0 feet.

For the last couple of years, the city of Kirkland has used the property at 1009 Market street as a staging area for construction materials for various city projects. This property has a screened chain link fence around the property. The fence along Market street is at the edge of the sidewalk.

When the driver of a car wants to enter Market street from 10th Avenue West, the motorist must 'creep' forward from the stop line to get a view of the Market street traffic and is then obstructing the crosswalk. Lately, there have been vehicles parked along Market street in front of the 1009 Market street property. Now a motorist must 'creep' further into the intersection to where the left front fender of the vehicle is in the Market street traffic lane in order to see around the parked vehicles in front of 1009 Market street. With the screened fence and parked vehicles, it is a challenge for 10th Avenue West motorists to enter Market street and a danger to pedestrians in the crosswalk when motorists are busy, trying to 'time' their entrance into Market street traffic.

I'm guessing the position of the screened fence at the edge of the sidewalk is the 0 feet setback requested in the variance.

While working in the yard, I have seen a few 'close-calls'.

If the variance is granted, the parking in front of the 1009 Market street property should be restricted.

Stephen Sproul
Senior Design Engineer
Kenworth Truck Company
Ph: 425.828.5737

March 18, 2019

Tony Leavitt
123 5th Avenue
Kirkland WA 98033

Re: Case #Var18-00070
1009 Market Street
Reduction in setbacks for a commercial building

Dear Tony,

I live at 526 10th Avenue West. I am writing to request that the City of Kirkland deny the owner request to reduce the setback on Market Street from 20 ft. to zero and on 10th Avenue West from 20 ft to 7.5 ft. It's isn't the City of Kirkland's job to maximize both the profit for the owner and the footprint of the commercial building by granting variances. The owner, if educated, knew what the setback requirements were by code and proceeded to purchase the property anyway.

My wife and I are asking for a denial because this is a PUBLIC SAFETY issue. It is already difficult, if not impossible to get on to Market Street in the morning with a steady stream of traffic from 6 AM to 9 AM. We can wait over five minutes just to find a break in traffic so we can enter Market. We have to essentially cut in to traffic to get space. Any reductions in vision on the corner of 10th Avenue West and Market will make our entry to Market just that much more dangerous. We also will not be able to see traffic from the proposed underground parking lot on the east side of 1009 Mark Street making it that much more difficult. Another location should be found for the underground parking lot entry.

My parents lived in the same home we live in, from 1952 through 2013. My Dad asked the City back in the 1980's to install a light somewhere along the west side of Market so people living there could safely enter and exit Market. The response then, and I am guessing the response now is it would be "too expensive " to install a signal or it will slow up the flow of traffic on Market Street for all those cutting through our community to by-pass 405 traffic.

The City of Kirkland embraces growth over the quality of our neighborhoods. I suggest that Kirkland deny the variance requests, limit landscaping and parking on the corner of Market Street and 10th Avenue to do everything NOT to increase our already risky daily drives.

Sincerely,

Patrick and Shannon Harris
526 10th Avenue West
Kirkland, WA 98033

Tony Leavitt

From: Chris Ingrao <cmingrao@yahoo.com>
Sent: Friday, June 14, 2019 5:09 PM
To: Tony Leavitt
Subject: Re: Permit Number VAR18-00070, Market Street Dental Clinic Variance

Hi Tony,

My name is Chris Ingrao and I am a Market Street resident on 10th Ave W, living approximately 1 block of the parcel under consideration. I wanted to take a moment to express a few basic concerns regarding the request, as it's currently drafted. My understanding is that the Dental Clinic is asking for permission to modify the setbacks around the oddly shaped lot in order to increase the usable square feet of the building. While that goal is perfectly understandable from a commercial perspective, I'd like to impress upon the examiner the proximity of residential, single family homes, in order to request a more modest change. The primary issue I have with the plans, as written, is with the 0 (zero) requested set back from Market Street, which would be inconsistent with any other property in close proximity. The new engineering building, which has recently been constructed, does not have such a setback, nor do the other commercial properties within several blocks of the parcel. Additionally, it is not part of a contiguous retail corridor, whereby one might conclude advantageous retail placement of goods within close proximity to foot traffic. The current request is simply to maximize the size of the resulting building, and given the magnitude of the change from current zoning, it will certainly be different than anything else envisioned (with the original zoning) or built in the immediate vicinity.

As a resident, while I am certainly happy that someone will develop the space, I have real concerns of the possible impact of granting the setback variances as requested. Is there not some more modest middle road we can take to help the dental practice create a reasonably sized building without risking dropping a 'monster' on our doorsteps? A zero setback commercial building is not what was ever envisioned in this parcel, inconsistent with the neighborhood, and a dangerous precedent in a growing Kirkland.

I respectfully request a more modest approach with this variance.

Thank you and best regards,
Chris Ingrao
206.484.0140



January 15, 2020

City of Kirkland
c/o Tony Leavitt, Senior Planner
Planning and Building Department
123 Fifth Avenue
Kirkland, WA 98033

Public Notice of Application – Craig Chaney, Merrick Lentz Architect, applicant,
Case No. VAR18-00070
Site Address – 1009 Market Street Dental Clinic

Dear City of Kirkland & Senior Project Planner, Tony Leavitt:

I would like to lend my support for this project variance requesting to allow this challenging site to get developed. This is a local business trying to be an Owner/Tenant occupied parcel that will improve the tax base for Kirkland. The development of this site is needed and will provide value to the neighborhood. Based on the several dental clinics on Market the use appears compatible with the existing Market Street business district. The investment in the is a reflection of the positive direction of our community.

We support the Variance to allow the reduction of the three required front yard setbacks. The 3rd Street setback would be reduced from 20 feet to 7.5 feet, the 10th Avenue setback would be reduced from 20 feet to 15 feet, and the Market Street setback would be reduced from 20 feet to 0 feet. The variances would allow construction of an approximately 5,387 square foot dental clinic building with 2 floors of parking below.

We do recommend that the same parking criteria applied to our new building are fairly applied to this one as well.

Sincerely,
DIBBLE ENGINEERS, INC.

A handwritten signature in blue ink, appearing to read "Robb A. Dibble", is written over a faint blue circular stamp or watermark.

Robb A. Dibble, PE
Principal
robb@dibbleengineers.com



MERRICK LENTZ ARCHITECT
ARCHITECTURE - PLANNING

July 2, 2018

Mr. Tony Leavitt, Senior Planner
City of Kirkland Planning and Building Department
123 5th Avenue
Kirkland, WA 98033

Re: **Variance Request VAR18-00070**
Public Comments

Dear Mr. Leavitt,

Thank you for forwarding the comments received during the public comment period for the above-referenced variance request. The comments represent thoughtful concern for the maintenance, protection and enhancement of Kirkland's distinctive character and quality of life, a desire shared by the applicants, who have long operated their business in the community. The project owners want their project to be a welcome addition to the city, a development that supports and enhances the character and vibrancy of the neighborhood and mitigates any potential negative impacts that may result from granting the variance request.

It appears that those who have expressed concerns about the reduction of the building setbacks have expressed their opposition in four general areas: 1) Hardship as a justification for the variance; 2) The reduced Market Street setback may create a hazardous situation for pedestrians, bicycles and traffic; 3) The project's traffic impacts in the neighborhood; 4) The building's bulk and scale and its compatibility with the character of the surrounding properties. The purpose of this letter is to expand on the project owner's position on each of these issues and to provide additional information to clarify the expected impact of the project.

1) The question of hardship is addressed in criteria #2 for the granting of a variance, whether the special circumstances of the site create an unreasonable and unusual hardship for the owner. The unique size and shape of the property results in a very small buildable area on the site. The 8119 sf site is a triangular lot with streets on all three frontages. With the 20' front yard setback for this zone applied to the site the resulting buildable pad is a 1749 sf triangle. This very small pad - with acute angles at 2 of the 3 corners - and the 25' height limit makes the development of a viable commercial property within the standard setbacks unfeasible. Further, the code places strong restrictions on parking in required yards, so the provision of parking in support of a commercial building further impacts the building limits. The owner has determined that they require 5000 sf of office space for development on this site to be viable, and has proposed modified buffers that provide just enough buildable area for that requirement. Even with the proposed setback adjustments limited to provide this buildable area the project will still

require two floors of under-building parking to meet the City's parking requirements for the 5000 sf clinic.

2. The majority of the opposition expressed in the comments was centered around the concern for increased danger to pedestrians, bicyclists and cars because of the reduction of the Market Street setback to zero, addressing Criteria #1, that the variance is not materially detrimental to the subject property or the City in part or as a whole. Those commenting focused primarily on concerns about the reduction of sight distance on Market Street to the north from the stop sign on 10th Avenue. These concerns are understandable, as a recent construction fence was erected around the property and appeared to result in reduced sightlines at this location. It is important to note that this fence was installed at the back side of the sidewalk all around the perimeter and extended all the way down to the corner of Market and 10th Avenue. The fence was located within the Kirkland ROW and was not consistent with where the proposed building will be located and should not be considered a reliable indicator of the potential for the project's impact on the sightlines up Market Street. The actual property line is located about 4'-6" behind the back of the sidewalk along Market Street, and the southern end of the proposed building will be about 38' north of the back side of the sidewalk at the south intersection. We have attached a site distance analysis diagram based on the requirements of Kirkland's policy "R-13 - Intersection Sight Distance", showing the sight distance triangle from the intersection of 10th Avenue and Market Street. The analysis shows that the sight distance from the stopping area at 10th Avenue for Market Street traffic coming from the north not only exceeds the City's required minimum distance for a 35mph street but exceeds the desired minimum distance as well, by several hundred feet. Also, please note that this is with the 14' observation point setback distance referenced from the bicycle lane beyond the vehicle travelling lane. It appears from the diagram that the building, even with a setback reduced to zero feet, will have no impact to the required or desired sight distance at the intersection, for both cars and bicycles. The sightlines aren't impacted because the stop's observation point as defined in City standards is located within the Market Street ROW and east of the subject property's east boundary. The new street trees along Market Street required by this development may have some impact on sight distance, but these will be required regardless of the building's setback. It is expected that the City will mandate that the new street trees are located away from the intersection to mitigate the possibility of the trees blocking the stop's sightlines. Regarding pedestrian safety, the sidewalks on 3rd street and 10th Avenue will be repaired and modified with new ADA compliant driveway approaches and the Market Street sidewalk will likely be widened. On the Market Street sidewalk there is an existing parking lane and bicycle lane separating pedestrians on the sidewalk from the travel lane. Together with the crossings that are already in place at the intersections any impact from the project development on pedestrian movement or safety around the site should be limited to the new driveway approaches.

3. A couple of the commenters expressed concern about the project's impact on traffic in the area, addressing Criteria #1, that the variance is not materially detrimental to the subject property or the City in part or as a whole. The property is located in the MSC-1 zone, where office uses are encouraged and anticipated traffic to the site is within the City's plan for property development in the area. The project is directly proximate to two entry/exit points from Market Street - 3rd Street West and 10th Avenue West - allowing immediate access from the adjacent arterial. Additionally, 10th Avenue is one of only 7 locations between Forbes Creek and Downtown that provides access to and from the northbound lanes of Market Street. This means that vehicles coming to and leaving the site will not have to travel through adjacent neighborhood streets to access Market Street's northbound lanes. As a result it is expected that the project will have a negligible impact on traffic in the surrounding residential areas.

4. Several expressed concerns over the bulk and scale of the project with reduced setbacks, and the compatibility of the building with the character of the neighborhood and adjacent properties, addressing Criteria #1, that the variance is not materially detrimental to the subject property or the City in part or as a whole. The proposed building, with a footprint of approximately 5000 sf and limited in height to under 25 feet, is consistent in scale with other office buildings in the immediate area. While the majority of the buildings in the area have the standard street setback, on the west side of Market Street zero setback buildings are located one long block to the south. The project proponent is committed to providing a building that is a welcome and positive addition to the character of the neighborhood and is willing to consider additional building design strategies to enhance compatibility to the adjacent properties, such as alternate materials, additional facade rhythm and detailing to add complexity and scale to the building. As noted in the introduction, the desire is a development that supports and enhances the character and vibrancy of the community.

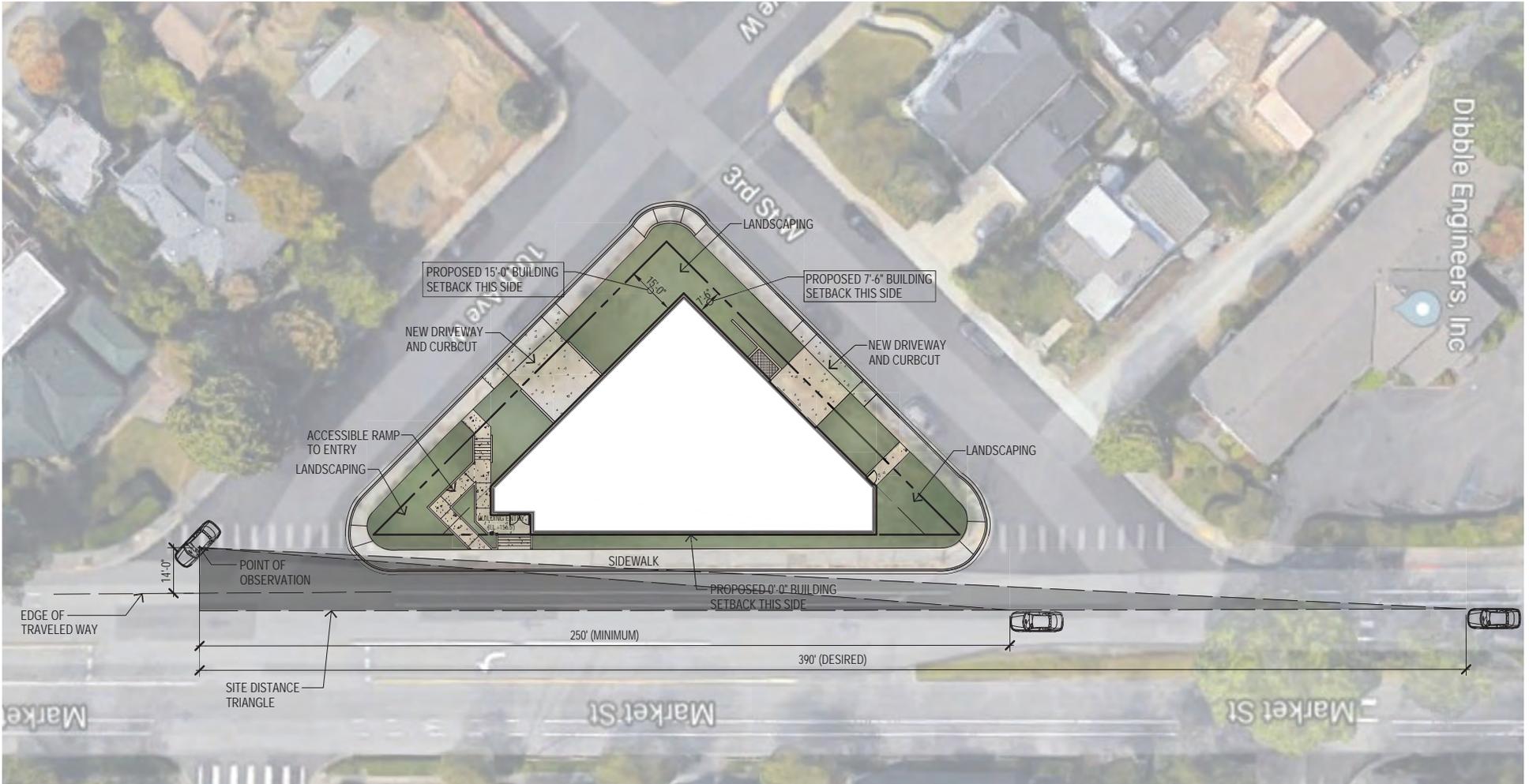
As discussed in the paragraphs above we believe that granting the requested variance is entirely consistent with the City's three criteria for approving a variance request, and that the concerns expressed in the comment letters will not be realized in the finished project. The project owner and his team are committed to producing a building that is an enhancement to the neighborhood and will be a welcome neighbor and member of the community for many years to come.

Best regards,

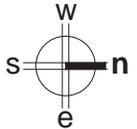
A handwritten signature in black ink, appearing to read 'Craig S. Chaney', written in a cursive style.

Craig S. Chaney

MERRICK LENTZ ARCHITECT



Note: Sight Distance Diagram based on City of Kirkland Policy R-13 - Intersection Sight Distance



Market Street Clinic

Project Name

Sight Distance Analysis

Drawing Title

1" = 30'-0"

Scale

6/26/18

Date

VAR18-00070

Project Number



CITY OF KIRKLAND

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.kirklandwa.gov

MEMORANDUM

To: John Burkhalter, Development Engineer Manager

From: Thang Nguyen, Transportation Engineer

Date: November 9, 2018

Subject: Market Street Clinic Driveway Variance, TRAN18-00671.

The purpose of this memo is to inform you that the request for the driveway variances have been approved. The conditions of approval are listed below.

Project Description

The project is located at 1009 Market Street. The applicant proposed to a 5,387 square dental clinic building with 2 floors of parking below grade. The applicant proposes two driveways, one on 3rd Street West and one driveway on 10th Avenue NE.

Staff Findings

Based on staff review of the locations of the project driveways, the low speed and low traffic volumes on 10th Avenue West and 3rd Street West, staff believes that the proposed driveways will operate safely.

Staff Recommendations

Staff has reviewed the request for a driveway variance and recommends approval of the project driveways with the following conditions:

1. Paint the curb east of the project driveway red to restrict on-street parking east of the project driveway on 10th Avenue West.
2. All landscaping and structures within the sight triangles for both driveways must be no higher than three feet measured from the grade of the driveway located 14 feet back from the back of the sidewalk.

Driveway Requirements

The Public Works Pre-Approved Plans driveway policy R-4 Section II.3c allows one driveway to a development and Section II.5 requires the proposed development's driveways to be 75 feet away from a non-signalized intersection. The proposed driveways do not meet those requirements.

Driveway Variance Requests

The applicant is allowed to request a variance from the standard driveway requirements by submitting a written request with an engineering analysis and supporting data for

review and consideration. The applicant has provided a written request for the variance as documented in the attachment to this memorandum. Specifically, the applicant is requesting the following variances:

1. Allow two driveways to serve the development as shown in Figure 1.
2. Allow both driveways to be located less than 75 feet from the adjacent intersections.

Staff Review

The small size and irregular shape of the project site require the project's parking supply be provided on two levels of parking to meet the parking requirement. Because of the topography and the triangular shape of the site, separate driveways are needed for each level of parking.

The proposed use is estimated to generate 19 trips during the PM peak hour. With two levels of parking, each driveway would generate less than 10 trips during the PM peak hour when the adjacent street traffic volume is highest. Based on traffic counts, the adjacent street PM peak hour traffic volumes on 10th Avenue West and 3rd Street West is less than 30 trips. The additional 10 PM peak trips on those streets would not significantly impact the traffic flow on those streets. Based on the submitted driveway variance report, there are sufficient clear sight distances at the project driveways. Therefore, it is anticipated that the project driveway would operate safely.

The minimum length along a property frontage required to meet the driveway-to-intersection spacing is 224 feet. The property frontages along 10th Avenue West and 3rd Street West are approximately 144 feet. Therefore, it is not possible to meet the driveway-to-intersection spacing requirement. The City of Kirkland is required to allow access into the property. As indicated above, there is sufficient sight distance at the proposed driveway. Both streets where the driveways are proposed has a speed limit of 25 mph. With low speed, low traffic volumes, and clear sight distance, it is anticipated that the driveways would operate safely.

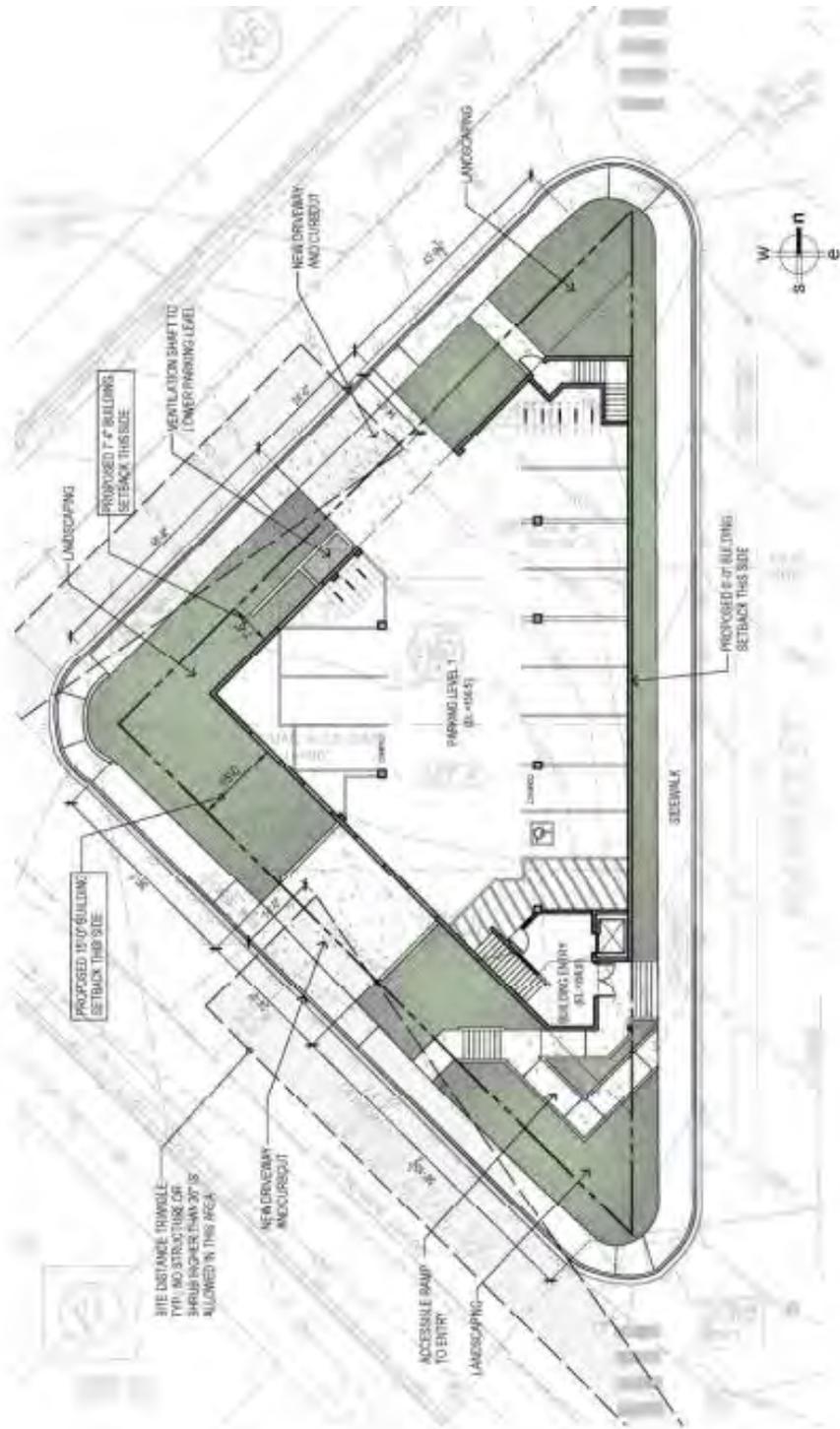


Figure 1. Site Plan

MEMORANDUM

DATE: September 14, 2018
TO: Thang Nguyen, Transportation Engineer, City of Kirkland
CC: Craig S. Chaney, Merrick Lentz Architect
FROM: Michael Read, PE, Principal, TENW
SUBJECT: Market Street Dental Clinic – Driveway Design Variance Evaluation
TENW Project No. 3651



EXPIRES 2 / 28 / 2019

This memorandum summarizes a review of garage driveways onto City streets as part of the proposed Market Street Dental Clinic in Kirkland, WA. The evaluation was undertaken to ensure that adequate sight distance is available, driveway offset, and turning conflicts are eliminated or minimized in the context of a design variance review to City standards.

Project Description

The proposed commercial building of approximately 5,000 square feet would be located within a “triangle” parcel bounded by a transition between two separate grid street systems that transition at Market Street within the Market neighborhood of Kirkland, WA. To meet City code for on-site parking of the proposed dental office use, two floors of parking would be needed that, given topography and limited site area, requires two separate driveway accesses. The parcel is bounded by Market Street to the east (a Principal Arterial per the City’s Transportation Master Plan), and short segments of 3rd Street W and 10th Avenue W that are Local Streets. A combined garage driveway exhibit overlaid onto the upper Level 1 garage floor plan is provided as **Attachment 1**.

Given the classification of Market Street, both site driveways are proposed onto the Local Streets of 3rd Street W and 10th Avenue W. The proposed driveway onto 3rd Street W would be located approximately mid-block between Market Street and 10th Avenue W, with a driveway offsets of approximately 43.5 feet and 46.5 feet to each public intersection, respectively. It should be noted that 3rd Street W is a restricted intersection onto Market Street, limited to right-in, right-out movements only.

The proposed driveway onto 10th Avenue W is proposed with driveway offsets of approximately 56.75 feet to Market Street and 36 feet to 3rd Avenue W. The intersection of Market Street and 10th Avenue W is full access, and as such, the building elevations have been planned to maximize the driveway offset from Market Street on 10th Avenue W. To evaluate existing conditions, sight distance, and other safety elements, TENW performed field work in September 2018 within the immediate site vicinity. It should be noted, that other similar “block configurations” along Market Street have similar commercial driveways on multiple Local and Principal arterial frontages and given limited trip generation demand operate without significant delays or adverse safety issues.

Design Analysis

Based upon an even distribution of parking capacity on each garage level and the expected PM peak hour trip generation of the proposed 5,000 square-foot medical office use (per Trip Generation Manual, 10th Edition, 2017, 19 total PM peak hour vehicle trips), each driveway would be classified by the City of Kirkland as E1, serving less than 10 PM peak hour trips each. With this classification, the City of Kirkland requires a minimum of 150 feet of entering sight distance for driver egress onto public streets based upon a posted speed limit of 25 mph per Policy R-13, Tables 1 and 2.

From the proposed driveway location onto 10th Avenue W, 170 feet of entering sight distance towards Market Street is provided, affording clear sight lines to vehicles entering onto 10th Avenue W from the northbound left turn only lane. In addition, entering sight distance to vehicles approaching via 10th Avenue would also be provided across the Market Street intersection. Entering sight distance to the west along 10th Avenue S is approximately 205 feet. As such, the proposed driveway location onto 10th Avenue W would provide more than the minimum entering sight distance of 150 feet.

Entering sight distance to the north of the proposed driveway onto 3rd Street W is limited given the “T-intersection” nature at Market Street, but given the angle of the intersection approximately 215 feet of sight distance is available for oncoming vehicles southbound along Market Street. Entering sight distance to the south was also field estimated at approximately 173 feet, which is beyond the stop controlled approaches of 3rd Street W and its intersection with 10th Avenue S. As such, the proposed driveway location onto 3rd Street W would provide more than the minimum entering sight distance of 150 feet. **Attachment 2** provides an aerial summary of available entering sight distance.

Per Policy R-4 for driveways onto public streets, the minimum setback from intersections on Local Roadway is 75 feet for non-residential uses. As each of the street frontages along the Local Roadways of 10th Avenue W and 3rd Street W are each approximately 115 feet in length, and as such, neither segment of frontage would provide adequate length to meet this minimum offset standard from nearby intersections. While there would be no adjacent driveway, several opposing driveways service existing single-family properties and would not pose a significant safety hazard or risk given limited volumes. In addition, the City has no minimum offset standard on Local Roadways for private driveways, and therefore, this design criterion does not apply.

Conclusion

The proposed locations and design configurations provide entering sight distance in excess of minimum standards, and while driveway offset away from public intersections cannot be met given limited street frontage of 115 feet, low travel speeds, limited trip generation of the project and other vicinity uses would not create any significant conflict or safety concern. As such, a variance to the City’s offset standard for driveways from public intersections is warranted.

If you have any questions regarding the information presented in this memo, please call me at (206) 361-7333 x 101 or mikeread@tenw.com.

Attachment B

Entering Sight Distance Measurements



To Whom It May Concern:

Attached is our application for setback variances for the subject property 1009 Market St. Below we have outlined the variances required in order to attain an equitable square footage to justify development of this property. We look forward to working with the City of Kirkland Planning and Building Department to determine if this lot can be the future long-term home of Kirkland Family Dentistry.

We are requesting the following variances:

- Along 3rd St W: A reduction in the 20ft setback to 7.5ft as previously granted on this side of the property by the City of Kirkland. A reduction in the 15ft landscape buffer to 7.5ft as previously granted on this side of the property.
- Along 10th Ave W: A reduction in the 20ft setback to 15ft as previously granted by the City of Kirkland.
- Along Market St: A reduction on the 20ft setback on Market St to 0ft. A reduction on the 15ft landscape buffer on Market St to 0ft.

Preliminary building renderings are attached for the variance request process. Due to the very substantial cost of detailed architectural plans (over \$100,000.00 for the last development attempt at this property), we are seeking a decision by the City of Kirkland on the proposed variances prior to moving forward with detailed architectural renderings.

We thank you for your time in reviewing this application. Please let us know if we can provide any additional information that would be helpful to the committee.



AGREEMENT FOR MODIFICATION OF REQUIRED LANDSCAPE BUFFER

As neighbors to the undeveloped lot at 1009 Market Street, we would like to voice our approval for the proposed new building for Kirkland Family Dentistry. We have reviewed the architectural renderings and understand the proposed landscape barriers / setback variances to be 7.5ft at 3rd St W, 7.5ft at 10th Ave W, and 0ft at Market St.

We have growing concern over the noise and automobile headlight pollution in our neighborhood, and accordingly we support a 0ft setback at Market Street to provide a buffer from these problems.

Due to the triangular shape of the lot and proposal of a parking structure that will inhibit the need for street parking, we encourage the aforementioned setback variances that are necessary to obtain the proper square footage for an equitable, owner-occupied dental office site.

We support this project and encourage the City of Kirkland to permit the project to proceed.

Owner(s) of 925 3rd St W, Kirkland, WA 98033:

(Sign in blue ink)

(Individuals Only)

OWNER(S) OF PROPERTY (INCLUDING SPOUSE)

Kathryn G. Keegan / Kathryn G. Keegan
[Signature]

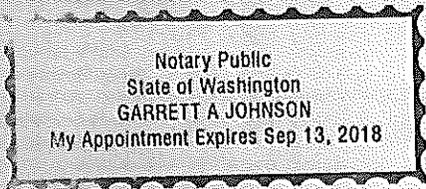
(Individuals Only)

STATE OF WASHINGTON
County of King

I certify that I know or have satisfactory evidence that Kathryn G. Keegan is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 1/07/2017

[Handwritten Signature]
(Signature)



(Seal or Stamp)

Notary Public
(Title)

(Individuals Only)

STATE OF WASHINGTON
County of King

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated _____

(Signature)

(Title)

(Seal or Stamp)



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Due to the triangular shape of the lot and proposal of a parking structure that will inhibit the need for street parking, we encourage the aforementioned setback variances that are necessary to obtain the proper square footage for an equitable, owner-occupied dental office site.

We support this project and encourage the City of Kirkland to permit the project to proceed.

Owner(s) of 1010 3rd St W, Kirkland, WA 98033:

(Sign in blue ink)

(Individuals Only)

OWNER(S) OF PROPERTY (INCLUDING SPOUSE)

Mark Fossac *Katherine*

(Individuals Only)

STATE OF WASHINGTON
County of King

I certify that I know or have satisfactory evidence that Mark Fosdal is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated January 3, 2017

Michael Ramirez
(Signature)



Notary Public
(Title)

(Individuals Only)

STATE OF WASHINGTON
County of King

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated _____

(Signature)

(Title)

(Seal or Stamp)



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We have growing concern over the noise and automobile headlight pollution in our neighborhood, and accordingly we support a 0ft setback at Market Street to provide a buffer from these problems.

Due to the triangular shape of the lot and proposal of a parking structure that will inhibit the need for street parking, we encourage the aforementioned setback variances that are necessary to obtain the proper square footage for an equitable, owner-occupied dental office site.

We support this project and encourage the City of Kirkland to permit the project to proceed.

Owner(s) of 300 10th Ave W, Kirkland, WA 98033:

(Sign in blue ink)

(Individuals Only)

OWNER(S) OF PROPERTY (INCLUDING SPOUSE)

SNEHAL SIDHARTH MANTRI

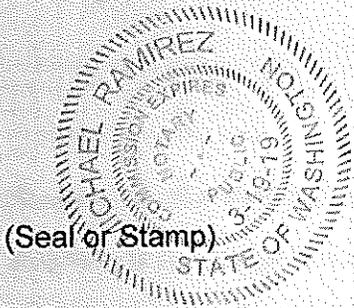
(Individuals Only)

STATE OF WASHINGTON
County of King

I certify that I know or have satisfactory evidence that Snehal Sidharth Mardeji is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated Jan 3, 2017

Michael Ramirez
(Signature)



Notary Public
(Title)

(Individuals Only)

STATE OF WASHINGTON
County of King

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated _____

(Signature)

(Title)

(Seal or Stamp)



Jurisdiction: Kirkland
Project Name: Market Street Clinic
Application ID: 517552

VAR18-00070
ATTACHMENT 9

Supplemental Name: Variance Criteria

An answer to each of the following questions must be submitted with any application:

1. How would the Variance not be materially detrimental to the property or improvements in the area of the subject property or to the City in part or as a whole?

Since the property is completely isolated and bordered on all sides by city streets, no adjacent property shares a property line nor directly borders the subject property. This unique and unusual situation creates 60 feet of space between the subject property and the closest neighboring properties. In addition, proposed landscape buffers and building setbacks of 15 feet on 10th Ave W and 7.5 feet on 3rd St W will further soften the transition from the proposed building to the neighboring properties. This space will ensure that the proposed structure does not overwhelm adjoining low-density uses as described in MS-6.1.

2. How is the Variance necessary because of special circumstances regarding the size, shape, topography, or location of the subject property; or the location of a pre-existing improvement on the subject property that conformed to the Zoning Code in effect when the improvement was constructed?

The subject property, zoned MSC-1, is irregular and highly unique for the City of Kirkland. It is one of just two privately owned triangular shaped parcels with right-of-ways on all three sides. Each of the three property lines currently requires a 20 foot front yard setback. The other privately owned triangular property, located at 1715 Market St, is developed with an office building. The lot at 1715 Market St is 25,853 Ft2 and is not proportionally as affected by the 20 foot front yard setbacks on all three sides as the subject lot, which is less than one third the size of the property at 1715 Market Street. Consequently, the current zoning requirements prevent the construction of an equitable project on this 8,120 ft2 lot, as these landscape buffers and setbacks remove a much higher proportion of buildable square footage than for other lots along the Market Street Corridor. Insufficient buildable space to justify the cost of development has prevented the completion of the past several development attempts on the irregularly shaped subject property. In order to achieve an equitable square footage, we are requesting variances that enable development of a 5,387 ft2 long-term home for Kirkland Family Dentistry. A dental office building this size does not exceed the 70% lot coverage allowed by MSC-1 zoning. This can be achieved in a combination of ways by granting variances on any of the 3 sides of the irregularly shaped lot. With the requested landscape strips and setbacks of 7.5 feet on 3rd St W and 15 feet on 10th Ave W, we are requesting a 0 foot landscape buffer and setback on Market Street to achieve the necessary square footage to develop the property. Without this 0 foot setback on Market Street, the lot remains unbuildable due to the inequitable cost per square foot, as has been demonstrated by the past several failed attempts at developing the subject property. In its undeveloped state, the lot currently provides no buffer to neighboring residences from the noise and automobile headlights caused by traffic along Market Street. The requested variances, including the 0 foot request at Market St, would improve the residential buffer and protection from these elements, enhancing the transition from the commercial activity of Market Street to adjoining residential homes. The neighbors adjacent to the subject property on 3rd St W have supported in a notarized document the reduction of the 20 foot front setback and 15 foot landscape strip to each be reduced to the 7.5 feet as proposed on 3rd St W. The neighbors adjacent to the subject property on 10th Ave W prefer to maintain the 15 foot landscape buffer. Therefore, the required 15 foot landscape buffer will be maintained as part of this proposal, though the 20 foot front setback would be reduced to 15 feet as proposed on 10th Ave W. Not reducing the landscape buffer on the 10th Ave W side of the building necessitates a 0 foot setback and 0 foot landscape buffer on Market Street to attain the equitable square footage needed for development. As Policy MS-6.3 states, "commercial development which is oriented toward Market Street will have less impact on the adjacent low-density residential areas in the surrounding neighborhoods." A 0 foot setback on Market Street allows for an equitable development while limiting the setback variance needed along 10th Ave W that is adjacent to low density residential areas and where the neighbors prefer to keep the 15 foot landscape buffer. The City of Kirkland has already approved setback variances for this lot in the past. The City approved a 5 foot setback with 7.5 foot landscape strip at 3rd St W, as well as a 10 foot setback at 10th Ave W. The setback variances previously approved at 3rd St W and 10th Ave W each allowed a building to have closer proximity to the lot lines than the proposed variances would on these respective streets. We are requesting lesser variances for the building setbacks on these two streets in conjunction with a 0 foot Market Street setback. This combination of variances would allow for a building with equitable square footage on the subject lot, and is also in line with the aforementioned Policy MS-6.3; "commercial development which is oriented toward Market Street will have less impact on the adjacent low-density residential areas in the surrounding neighborhoods."

3. How would the Variance not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this Code allows to other property in the same area and zone as the subject property?

The proposed variances would not constitute special privilege based on the wording in the KZC 120.05 which states. "the provisions of this code can be varied on a case-by-case basis if the application of these provisions would result in an unreasonable and unusual hardship." This is applicable as can be seen by several failed development attempts on the subject property in the past. Therefore, without variances to allow an equitable square footage for the subject property, "provisions would result in an unreasonable and unusual hardship." Due to the irregular, triangular shape of the subject property, MSC-1 zoning that requires 20 foot front yard setbacks on all three property lines removes a disproportionate amount of buildable square footage compared to all properties along the Market Street Corridor. A 0 foot landscape strip and setback along the Market St property line has been allowed in the past for several buildings along the Market Street Corridor. As the only undeveloped and smallest privately owned triangular lot along the Market St Corridor, granting a 0 foot setback would not set precedent for other properties which are more regular in shape, have existing structures, and do not have front yard setbacks on all sides. Granting a 0 foot setback and 0 foot landscape buffer along Market Street would enable the cost effective development of a dental office building within the 70% lot coverage allowed by current MSC-1 zoning.

Supplemental Name: Right to Enter Property/Hold Harmless Agreement



Jurisdiction: Kirkland
Project Name: Market Street Clinic
Application ID: 517552

VAR18-00070
ATTACHMENT 9

ENTERING NAME BELOW

I/we acknowledge that by clicking Agree below and submitting this application I/we are authorizing employees or agents of the City of Kirkland to enter onto the property which is the subject of this application during the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday, for the sole purpose of making any inspection of the limited area of the property which is necessary to process this application. In the event the City determines that such an inspection is necessary during a different time or day, the applicant(s) further agrees that City employees or agents may enter the property during such other times and days as necessary for such inspection upon 24 hours notice to applicant(s), which notice will be deemed received when given either verbally or in writing.

I/we acknowledge that by clicking agree below and submitting this application I/we certify under penalty of perjury, the truth and/or accuracy of all statements, designs, plans and/or specifications submitted with said application and hereby agrees to defend, pay, and save harmless the City of Kirkland, its officers, employees, and agents from any and all claims, including costs, expenses and attorney's fees incurred in investigation and defense of said claims whether real or imaginary which may be hereafter made by any person including the undersigned, his successors, assigns, employees, and agents, and arising out of reliance by the City of Kirkland, its officers, employees and agents upon any maps, designs, drawings, plans or specifications, or any factual statements, including the reasonable inferences to be drawn therefrom contained in said application or submitted along with said application.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Agree

Enter Full Name of Person(s) Agreeing with Statements Above:

Jonathan Everett