

3) All Zones – The applicant shall use at least three (3) of the ~~elements or~~ techniques listed in subsection (6)(b) of this section in the design and construction of any facade of a building facing a street, through-block pathway or public park, if:

- a) The facade has a height of three (3) or more stories; or
- b) The facade is more than 100 feet long.

b. Techniques To Achieve Human Scale in All Zones – The techniques to be used in the design and construction of building facades under subsection (6)(a) of this section are listed below. As an alternative, the applicant may propose other techniques, elements or methods which provide human scale to the building and are consistent with the applicable design guidelines and the Comprehensive Plan.

- 1) On each story above the ground floor, provide balconies or decks, at least six (6) feet wide and six (6) feet deep.
- 2) On each story above the ground floor, provide bay windows that extend out at least one (1) foot, measured horizontally, from each facade of the building.
- 3) Provide at least 150 square feet of pedestrian-oriented space in front of each facade (see KZC 92.15(2)(c)(2)).
- 4) Provide at least one-half (1/2) of the window area above the ground floor of each facade consistent with all of the following criteria (see Figure 92.30.J):
 - a) The windows must have glazed areas with dimensions less than five (5) feet by seven (7) feet.
 - b) The windows must be surrounded by trim, molding and/or sill at least two (2) inches wide.
 - c) Individual window units must be separated from adjacent window units by at least six (6) inches of siding or other exterior finish material of the building.

5) **Provide at least one-half (1/2) of the window area above the ground floor of each facade facing a street or public park in panes with dimensions less than two (2) feet by three (3) feet** and with individual panes separated by window mullions (see Figure 92.30.K).

6) Provide a hipped or gable roof which covers at least one-half (1/2) of the building footprint and has a slope equal to or greater than three (3) feet vertical to 12 feet horizontal. To meet this requirement, the ridge width of a continuous roofline shall not extend more than 100 feet without modulation. This includes a gabled or other sloped roofline segment at least 20 feet in width.

7) If the main entrance of the building is on the facade of the building facing a street, through-block pathway, or public park, provide a covered porch or entry on the subject property at the building's main entrance. Pedestrian weather protection required under KZC 105.18 may not be used to meet this requirement unless the required pedestrian weather protection covers an area at least **15 feet long by 15 feet wide** and is available for outdoor display or outdoor vendors or contains pedestrian-oriented improvements or amenities beyond what is otherwise required.

8) **Provide one (1) or more stories above the ground floor setback at least six (6) feet from the ground floor facade facing the street, through-block pathway, or a public park**

9) Compose smaller building elements near the entry of a large building (see Figure 92.30.L)."

Horizontal Definition in All Zones – The applicant shall comply with the following requirements to moderate the vertical scale of buildings. All buildings shall include design techniques which clearly define the building's top, middle, and bottom (see Figure 92.30.C)

This project still has many issues and needs to be following all codes. I ask for the DRB to reject this design and request the developer build a building that fits properly into the area and hits all of the chapter 92 code requirements. This means down sizing this project. The developer has taken many risks and pulled many favors from the city. It is time for the impacted residents to get a say and have the law/code followed.

The developer posted on our go fund me page a really mean message which we had deleted. See attached image. He has this attitude because the city has not enforced anything with this development. During pre-design this project should have been downsized. The residents have been ignored and forced to jump thru hoops. The developer has been given every advantage and variation at the expense of our neighborhood. The developer has even threatened a lawsuit with the city. I don't know the details of how much in damages were requested if they could not continue as in the public records received the information was blacked out since the city considered it attorney-client privilege.

Most of the RH8 is zone is one small parcel deep off of 85th except this parcel because of the rezone of residential homes to "office". This building will not have a building this size near it until 128th Ave NE so over 1,000 ft away. This building is not in the neighborhood plan or the Comprehensive Plan for this area. Mistakes were made over 2 years ago with the city not taking a stand to the developer and only thinking of housing. I ask you to please do not approve this development at the current design.

Thank you for your time.
Susan Davis
12923 NE 101st Place

Susan Davis spicker76@yahoo.com Have a GREAT day! :)

Tony Leavitt

From: Mary Yax <maryyax@cbbain.com>
Sent: Sunday, January 05, 2020 9:21 PM
To: Tony Leavitt; Jon Regala
Subject: Design Review January 6, 2020

Hi Tony,

I have just finished reviewing the materials that were sent out for the meeting. I believe some of the information is inaccurate and folks should know what is accurate:

1. 131st Avenue NE is now the primary access to the garage because of the restrictions you placed on 132nd. 131 can be approached from east, west, north and south where as the 132nd entrance is now only available to those that are going southbound on 132nd Ave NE. (which is not the direction of the high tech employers). There will be a lot more traffic going in on 131st. then a "tertiary" entrance. DRB needs to know this information. Especially if they consider a variance in that corner and do not know how much traffic will actually be happening right there.
2. The 131st Avenue NE garage is for entry only. It is not an exit as stated.
3. I do not believe the tree diagram provided is for tree retention. There were two urban foresters out to the site and both did drawings showing the significant trees and graded their health. I believe the drawing submitted is one for grading and demo. DRB needs this information on significant trees for landscape decisions.
4. Affordable housing units were requested to be identified.
5. The drawing of the above ground parking lot does not show depth at the east end of the lot where it is required to have a 5-6' back up area to get out of the last parking stalls. This might affect the pedestrian walkway and gathering spaces that the DRB will be reviewing. It might also affect landscaping plans that DRB will be reviewing. You should give them a heads up so no problems arises later.
6. Garage does not show any pedestrian walkway from parking to building entrance and ROW. I believe DRB reviews all pedestrian walkways.

It would be nice if you could provide this information to the public as well so everyone is on the "same page". Still not buying that Chapter 92 does not pertain to this project. Have asked for another opinion. Especially after I read Design Guidelines for RHBD Page 28 #16 Architecture Style "provided the architectural scale human scale, building details and building materials and color standards in KZC 92 and these guidelines are met." I will be asking DRB to consider certain sections of KZC 92.
See you tomorrow night.

Mary Yax
206-612-8722
Coldwell Banker Bain

COMMENTS (14)



Josh Lysen donated \$5

Please consider this additional information. The Continental Divide project WILL comply with all zoning and building codes. As a result of EXISTING traffic conditions the CD project has agreed to cooperate with the city and provide 12 ft off it's east property line for an additional south bound turn lane into Redmond. This turn lane is NOT a result of any increase in traffic from the project, which the 3rd party traffic report determined did not warrant additional traffic mitigation. 40,000 cars per day move along NE 85th, also known as a Wa State Highway, and 12,000 cars per day move along 132nd Ave NE, making this location one of the busiest in Kirkland. This traffic is all vastly pass through traffic of course from neighboring communities to the north. Limiting Kirkland's own development, along our busiest roads no less, as some sort of stop gap measure makes no sense. Further, Kirkland desperately needs more housing, particular more alternatives to the \$1m+ single family housing, which this project provides as well as 10% "affordable" housing, which is defined and mandated in the code. The Design Review board clearly made a point of stating on the Nov. 18th mtg that they CAN NOT and WILL NOT deny this project because of it's building height or over all size because that complies with code and is outside their scope. They only want some minor changes to the commercial building, more detailed plan set and then they intend to pass it. Any appeal will only add a minor delay, but it will not stop this project because the project WILL comply with all code. IF we delay the project too much longer, the applicant may change and request a 5 story building. 5 Story is more typical for this location, this height was approved for the Bridle Trails location which has far less traffic. All of NE 85th corridor WILL be redeveloped in the coming years, much of it is already in the process of redevelopment now. 600+ units coming to Petco, 100+ units coming to Baskin Robbins site. Sound Transit with their \$300m investment in the I405 and NE 85th interchange will ensure that this continues. The Continental Divide building will be a stunning looking building, it will be an amenity to the community and property values around it WILL increase.

Tony Leavitt

From: Rajesh Kodali <rajeshkodali@gmail.com>
Sent: Monday, January 06, 2020 2:05 PM
To: Design Review Board; Tony Leavitt; Kurt Triplett
Subject: Public Comment on Continental Divide Project DRV18-00312

Happy New Year!

The current design does not adhere to the recommendations of the board from last meeting.

- The board has asked Merit homes to reconsider the current Club house placed right next to single family homes and it is ignored. The change in set back does not really have a positive impact on the noise levels and inconvenience that will cause to the neighbors on the north
- The board has asked for a consultation with all neighbors on the path way and no one from the Merit home approached us on an opinion.
- The concerns with regards to not providing enough space for ride-share (uber/lyft), taxis, food delivery is not addressed in the new design changes.

The other concerns that I had expressed in the previous meeting regarding the noise levels not considered while placing high -traffic garage entrance right next to single family homes is not addressed.

Though the DRB will not be able to consider solar study but there no design shown with exact impact with the new trees getting added for privacy.

Sorry, I am out of town and I could not make to today's meeting due to prior commitments. I hope the board will look into the concerns and have them addressed by the project developer.

-Rajesh

Tony Leavitt

From: Cassandra Stout <sagansjagger@gmail.com>
Sent: Friday, November 22, 2019 10:28 AM
To: Design Review Board; Tony Leavitt; Kurt Triplett
Subject: Public Comment on Continental Divide Project DRV18-00312

To whom it may concern,

I am a resident of North Rose Hill on 127th Pl NE. I am against the Continental Divide project and would like to appeal it based on the negative impact on my neighborhood and already overcrowded schools. Before approving this project, please consider that the people who live in the North Rose Hill area do not want an apartment building of this scale in their neighborhood.

Thank you,
Cassandra Stout
425 442 8067

Tony Leavitt

From: Dan Xu <xudanusa12345@gmail.com>
Sent: Wednesday, November 20, 2019 12:46 PM
To: Design Review Board
Cc: Tony Leavitt; Adam Weinstein; Kurt Triplett
Subject: Continental Divide Mixed Use project

Dear Design Review Board Members,

My family lives in the house at 8539 132nd Ave NE, which is near the subject property for the Continental Divide Mixed Use project. I have concerns about the severe impact this project could have on our neighborhood. I request your help in mitigating the detrimental effects of this project before it is built.

Our Architect's Review

My neighbors and I feel so strongly about the proposed project that we commissioned a Design Review Report from architect John Adams of Adams Architecture. Mr. Adams has analyzed the plans, cited specific design guidelines to support his conclusions, and made recommendations to the Design Review Board. Please see Mr. Adams' report in the attachment.

Ignoring the Board

For a year and a half, the developer for the Continental Divide project has had a dream building in mind and has shown no willingness to compromise. Several Design Review Board meetings were held in 2018 in which the developer repeatedly seemed to ignore the feedback from this board. In the year since, the developer had the zoning code changed for the entire zone around this property so that this one project could be built according to their exact vision. Now we are all a year older, but the developer's unchanged proposals continue to disrespect this board and its purpose.

At the August 2018 meeting, the developer produced the revised design on the day of the meeting. This left no time for the city, the board members, or the community to review it.

Instead of the requested decrease of windows and balconies on the north side, by the developer's own count the current plan has the same number of windows and balconies as it did a year ago.

Despite the board's request, the windows were not made "more residential in nature."

The windows are also not of various types, but instead remain uniform and repetitious.

The project still includes long north and east facades with shallow recesses.

The exterior of the parking garage is still entirely blank walls.

The roofline along 85th is flat and featureless.

Guest and retail parking were not increased. The developer's claim that the businesses will use the spaces only during the day and guests will use them only at night and weekends is erroneous and impractical. No exceptions should be granted based on this claim.

Solar access for adjacent properties was not improved and the solar study has been omitted. The variance for roof height should not be granted because of the solar impact on the properties to the north.

Repeatedly ignoring the feedback of the Design Review Board should not be rewarded with exceptions nor approval of their design.

Violations of the Neighborhood Plan

Two violations of the Rose Hill Neighborhood Plan, which specifically apply to the East End, are still not reflected in the current proposal. Please insist that the developer's proposal adhere to the neighborhood plan.

The description of the project states it is "a four story mixed use building" however the Rose Hill Neighborhood Plan limits buildings to three stories by stating, "providing incentives including increased building heights up to three stories" (East End Policies, Policy RH-32). This project cannot have four stories if the limit is three stories.

This project includes a single-story commercial building, however the Rose Hill Neighborhood Plan prohibits such buildings by stating, "Discourage single-story retail buildings" (East End Policies, Policy RH-32). A design which includes a new single-story retail building should not be approved by the Design Review Board.

Please Do Not Approve

I am seeking the following solutions and intervention on the Design Review Board's part:

The design for this development should not be approved, because it violates the Neighborhood Plan and does not reflect the feedback from the board.

Upcoming Design Review Board meetings should be cancelled until:

The developer proves this development complies with the Rose Hill Neighborhood Plan.

The developer demonstrates a willingness to respond to requests from board members.

The developer makes concessions to address the concerns of the neighborhood of which this project wants to be a part.

If the developer does not provide a revised plan within the 7 days required by the city code, the corresponding Design Review Board meeting should be cancelled and rescheduled for no less than 30 days in the future. This will allow board members and community members enough time to be informed about the new meeting.

Please do not set a precedent by allowing this huge, out-of-place development in our neighborhood which does not reflect to the board's requests and clearly conflicts with the Rose Hill Neighborhood Plan. Please do what is in the power

of the Design Review Board to help our neighborhood keep its safety, traffic flow, and quality of life. We are counting on you to hear us and make the vital changes necessary before the Continental Divide project is built.

Sincerely,

Guangchang Xu
Dan Xu

8539 132nd Ave NE,
Kirkland, WA 98033

Tony Leavitt

From: Junyan Lin <junyan_lin@hotmail.com>
Sent: Monday, November 18, 2019 5:35 PM
To: Design Review Board; Tony Leavitt
Subject: DRV18-00312

To whom it may concern,

My name is Junyan Lin and my house (8535 132nd Ave NE Kirkland WA 98033) is directly to the north of DRV18-00312. It's been a year since last design review meeting for this project and I'm very disappointed to find out that the builder made only minimum changes to their design without addressing one the biggest concerns of the community: negative impacts to adjacent single family residential areas.

According to the Rose Hill Design Guidelines
(<https://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Rose+Hill+Design+Guidelines.pdf>)

5. Building Location and Orientation

Objectives

To encourage development configurations that minimize negative impacts to adjacent single family residential areas.

Guidelines

d. Site and orient multi-story buildings to minimize impacts to adjacent single family residents. For example, if a multistory building is located near a single family property, provide landscaping elements and/or minimize windows and openings to protect the privacy of adjacent homes. Another consideration is to increase upper level building setbacks.

The builder ignores numerous feedback regarding to the privacy concern of their design. Their building is much taller than the single family houses around and they put a whole wall of windows and balconies facing single family homes. Their only remedy is greenbelt, which can't provide privacy protection for at least 10 years until the trees grow to certain height and density.

Please enforce the Rose Hill Design Guidelines and require the following changes to the north façade:

1. Remove balconies
2. Reduce the number and size of the windows
3. Ideally windows should not directly face single family houses

Best regards,
Junyan Lin
8535 132nd Ave NE Kirkland WA 98033

Tony Leavitt

From: 峰头浪尖 <1049541168@qq.com>
Sent: Monday, November 18, 2019 7:00 PM
To: Design Review Board; Tony Leavitt; Adam Weinstein; Kurt Triplett

Dear Design Review Board Members,

My family lives in the house at 8531 132nd ave ne, kirkland, which is near the subject property for the Continental Divide Mixed Use project. I have concerns about the severe impact this project could have on our neighborhood. I request your help in mitigating the detrimental effects of this project before it is built.

Our Architect's Review

My neighbors and I feel so strongly about the proposed project that we commissioned a Design Review Report from architect John Adams of Adams Architecture. Mr. Adams has analyzed the plans, cited specific design guidelines to support his conclusions, and made recommendations to the Design Review Board. Please see Mr. Adams' report in the attachment.

Ignoring the Board

For a year and a half, the developer for the Continental Divide project has had a dream building in mind and has shown no willingness to compromise. Several Design Review Board meetings were held in 2018 in which the developer repeatedly seemed to ignore the feedback from this board. In the year since, the developer had the zoning code changed for the entire zone around this property so that this one project could be built according to their exact vision. Now we are all a year older, but the developer's unchanged proposals continue to disrespect this board and its purpose.

At the August 2018 meeting, the developer produced the revised design on the day of the meeting. This left no time for the city, the board members, or the community to review it.

Instead of the requested decrease of windows and balconies on the north side, by the developer's own count the current plan has the same number of windows and balconies as it did a year ago.

Despite the board's request, the windows were not made "more residential in nature."

The windows are also not of various types, but instead remain uniform and repetitious.

The project still includes long north and east facades with shallow recesses.

The exterior of the parking garage is still entirely blank walls.

The roofline along 85th is flat and featureless.

Guest and retail parking were not increased. The developer's claim that the businesses will use the space only during the day and guests will use them only at night and weekends is erroneous and impractical. No exceptions should be granted based on this claim.

Solar access for adjacent properties was not improved and the solar study has been omitted. The variance for roof height should not be granted because of the solar impact on the properties to the north.

Repeatedly ignoring the feedback of the Design Review Board should not be rewarded with exceptions nor approval of their design.

Violations of the Neighborhood Plan

Two violations of the Rose Hill Neighborhood Plan, which specifically apply to the East End, are still not reflected in the current proposal. Please insist that the developer's proposal adhere to the neighborhood plan.

The description of the project states it is "a four story mixed use building" however the Rose Hill Neighborhood Plan limits buildings to three stories by stating, "providing incentives including increased building heights up to three stories" (East End Policies, Policy RH-32). This project cannot have four stories if the limit is three stories.

This project includes a single-story commercial building, however the Rose Hill Neighborhood Plan prohibits such buildings by stating, "Discourage single-story retail buildings" (East End Policies, Policy RH-32). A design which includes a new single-story retail building should not be approved by the Design Review Board.

Please Do Not Approve

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Please do not set a precedent by allowing this huge, out-of-place development in our neighborhood which does not reflect to the board's requests and clearly conflicts with the Rose Hill Neighborhood Plan. Please do what is in the power of the Design Review Board to help our neighborhood keep its safety, traffic flow, and quality of life. We are counting on you to hear us and make the vital changes necessary before the Continental Divide project is built.

Sincerely,

Gailian Qin

8531 132nd ave ne, kirkland

Tony Leavitt

From: Diana Moore <Diana@TheBestAgent4U.com>
Sent: Saturday, November 16, 2019 12:43 PM
To: Design Review Board; Tony Leavitt; Adam Weinstein; Kurt Triplett
Subject: Public Comment on Continental Divide Project DRV18-00312
Attachments: Continental Divide_Design Review Report_Adams Architecture_20181129.pdf

Dear Design Review Board Members,

Please read my added info at the end. I also agree with Mary Vax's letter. Thank you for your consideration.

My family lives in the house at 13022 NE 87th St which is 4 houses from subject property just off 131st Ave NE, for the Continental Divide Mixed Use project. I have concerns about the severe impact this project could have on our neighborhood. I request your help in mitigating the detrimental effects of this project before it is built.

Our Architect's Review

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My Personal Added Information:

I would add that since the homes at this building site have been torn down coyotes can come over from the raven on 132nd Ave NE very easily. It is now an open area to come through. A coyote came through this opening and killed a beloved cat & family member right on my front lawn! She was survived by a young cat & a dog that loved having her as a member of the family. So sad!

My other concern is that this building does not at all follow the city plan as written in regards to the residential homes. The families have **one** way out & **one** way in & that is onto the very busy NE 85th St. We don't need more traffic on this street & especially right in front of us, hampering our already difficult means to get out. The street (131st) is not even marked & a car may go up to the street to turn left, but block the right hand turn. There needs to be a line. I asked the city for this years ago, but was ignored. Plus the last time they re-did NE 85th st, they made it even more difficult for us to make a left hand turn. They made a longer turn lane (barriers) onto 132nd so for us to pull into the middle lane to wait for an opening to go all the way over, it is much harder to get to the middle and avoid the barrier. When it is wet the street glares, making visibility difficult. Once you get to the middle & try to get your car parallel, so as not to get hit by oncoming traffic, you have to turn your neck all the way back to see just to merge over. For me, I have constant neck

issues & this is very bad for me. But now I have no choice because of how the city set it up. I have asked the city & board members to drive this street after 3pm on any given day from my street, to see for yourself. You can try 11:15 am on a Sunday where the left turn is backed up for a mile with people waiting to turn left to go to the church. They act like they can't see you & nobody lets you in. The only thing you can do is turn right & go around the block. This project is going to make all of this congestion so much worse. I'm quite sure my neighborhood will not be as safe & my property values will go down because of lack of access to getting in & out of the neighborhood. Since there will not be enough parking for this project my street will be full of cars parked everywhere as well. Since there are no sidewalks or curbs neighbors landscaping will be damaged. The children will no longer be safe to play in the street anymore. The city will not give us a variance requiring only residing residences can park here. The current business at the end of the block already take up several parking spots on 131st. This is only going to escalate. So far nothing has been done to give the current residences a single thing. Nothing. The builder gets everything they want & they are now sending letters to everyone asking to buy their homes. I'm sure they see the entire neighborhood going commercial.

Warm Regards,

Diana Moore

Real Estate Broker

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27 November 2018

Adams Architecture
John & Anne Adams
tel. 206-954-2885 Anne
tel. 206-669-4852 John
www.adamsarchitecture.net
anne@adamsarchitecture.net
john@adamsarchitecture.net

The Rose Hill Community Group
info@comingtokirkland.com

Re: Continental Divide Mixed Use Project - DRV18-00312

Dear Rose Hill Community Group:

At your request, I have reviewed the "Continental Divide" mixed-use project, City of Kirkland project #DRV18-00312. The documents I have reviewed are the latest versions of documents posted on the internet including:

Continental Divide Mixed Use Project DRB Meeting Packet 07022018 -
DRV18-00312.pdf

Design Guidelines for Rose Hill Business District, The City of Kirkland, Jan. 3 2006

The scope of my review has been limited to the compliance of the project proposal with the City of Kirkland design guidelines for the Rose Hill Design District. In particular, the site is located within the "East End" district of the Rose Hill neighborhood. This East End portion of the design area is intended to be the lowest scaled and least intensely developed of the areas in Rose Hill. Issues relatedly directly to the Land Use code such as parking and building height are not within the purview of this review.

My comments below are organized in the same order as the design guidelines are listed. In the document references below "DG" is the 'Design Guidelines for Rose Hill Business District' and "DRB Packet" is the "Continental Divide Mixed Use Project DRB Meeting Packet 07022018".

Page numbers are just noted as p.5 or pp. 5-6. Specific sections of the Design Guidelines are referred to by the outline labeling; so section "5." paragraph "c" will be noted as "DG 5c".

Introductory Sections

The Design Guidelines are consistent in suggesting that smaller scale development is appropriate at the "East End" portion of the Rose Hill District (DG pg. 7). The guidelines also suggest that new developments are "residential in character" and suggests that the "conversion of single-family homes" is an example of a properly scaled development. The proposal as presented is instead almost a "superblock" development with a massive single floor plate hidden behind a series of "western storefront" facade elements. This is clearly shown in the application's design parti diagrams (DRB Packet p. 10) showing a large c-shaped massing with "assembled pieces" shown dropping into place.



The guidelines go on to predict property consolidation but still refer to a “mix of storefronts” and “multi-stories buildings” implying a collection of smaller scale residential and commercial buildings. It is clear from DG Figure 18 and Figure 32 that the intent for the entire Rose Hill District is to front each street block with two or even three buildings. This would be especially applicable at the East End portion of the district where smaller scale building with less density is desired. Except for a mid-block break for the 85th Street plaza, the remaining facades are almost monolithic in their presentation to the neighboring sites (pp. 13-14 DRB Packet).

1. Entry Gateway Features

The design guidelines call for a unique landscaping treatment at the gateway corners of Rose Hill (DG 1a). No discernible “distinctive landscaping” with a rose garden or other distinctive soft-scape elements are visible.

The guidelines also call for an artwork element which is not shown (DG 1b). The southeast corner of the project has a masonry element shown, but it does not appear to be a monument sign nor an architectural “gateway element”. It is crowded by the massing of building directly behind it and is not unique as there is a copy of this element at the west end of the project. It also appears that the element is under-scaled as it is barely visible in the context of the building (DRB Packet p.8).

It is also unclear if the element is the same or different material as the building (see image on p35 vs p32 DRB Packet). Finally no gateway sign with City logo is visible or not sufficiently documented to understand (DG 1c, 1d).

No lighting is shown and needs to be submitted for review (DG 1e).

2. Street Trees

The street trees required by Section 2 of the design guidelines are not documented clearly as trees in the ROW and on the private property are simply shown as graphic elements without species callouts, planting information, tree grates, etc.

It is hard to tell if trees represent a unifying element as called out in Design Guidelines 2b.

3. Street Corners

There does not seem to be any discernible strategy to organize the corner of the building to emphasize the gateway quality of the eastern intersection. Statements made on p8 of DRB Draft Packet are not consistent with the images presented on the same page.

Design guidelines 3a, 3c, 3d suggest the following options (DG p10):

Design treatments that emphasize street corners (DG 3a). - These are not apparent in the proposal. The aspects suggested by the applicant (DRB Packet p8) are neither recognized treatments by the design guideline nor unique to the corner design which is



intended to be “distinctive” and “special”. (DG 3a 3c 3d). Also, no signage program either for the development or gateway element is shown. (DG 3A, DG 1c)

Plaza spaces (DG 3a) - No plazas are present at the corner in fact the corner feels crowded and not a good place for pedestrian gathering.

Special landscaping elements (DG 3c) These are not visible in DRB presentation. There is also no indication how seasonal interest will be provided. The applicant should prepare a planting diagram indicating plants species and which softscape elements will add seasonal interest in all four seasons.

The guidelines also call for visual interest, sense of proportion and human scale. (DG 3d) Suggestions include:

Raised Roof Line - roof line is not raised instead it is a continuation of the residential wing’s roofline.

Turret - no typical corner type architectural element is present

Corner Balconies - a rooftop terrace is proposed but it is hidden behind a parapet wall

Special Awning - no awning or canopies are proposed at corner entry. Instead the entry is simply recessed under the parapet above. This treatment is repeated at all the commercial entries along 85th making the corner element totally indistinct from the other storefronts. Awnings that are proposed adjacent to the corner entry are exact copies of other awnings on building and are not sufficiently scaled to be identifiable as a special element.

Distinctive Building Materials - No special materials are suggested, just a repeat of the CMU and fiber-cement offered everywhere else on the project.

It should be noted that it is unfortunate that the public plaza has been placed at mid-block instead of at the corner. While the plaza is a good design feature, the design proposal has missed the opportunity to “hit two birds with one stone” and create the entry gateway element carefully described in the design guidelines and provide a successful urban gathering space. Figures 8 and 17 of the Design Guideline shows clearly how this can be accomplished. A much smaller corner building uniquely scaled and clearly differentiated from the adjoining residential bar could potentially better address these issues.

4. Pedestrian-Friendly Building Fronts

The applicant is seeking a zoning code departure from KZC 53.84 to reduce the front setback suggesting a Pedestrian-Oriented Facade along 85th to compensate. However, the application is not meeting the intent of such a facade design as they are blocking the facade with a landscape strip, not relocating and/or widening the sidewalk and therefore keeping pedestrians away from the facade. This design compromises both approaches as a smaller planting strip is created, as opposed to the width suggested by the property setbacks and in Figures 15 and 16 of the Design Guidelines. Additionally,



the awnings provided do nothing for the pedestrian because they are located over the planting beds. The design clearly does not meet the intent of a pedestrian-oriented facade (DG figure 19) and the departure should not be granted on this basis.

5. Building Location and Orientation

Section 5 of the design guidelines address multi-story buildings adjacent to single-family residents (north, east, and west of the site in particular). Several suggestions were not incorporated into the design including, minimizing windows to protect privacy and increasing upper-level building setbacks.

It would also stand to reason that breaking the building up into smaller buildings on the site would also encourage the type of scale that would “minimize negative impacts to adjacent single-family residential areas” (DG 5 Objectives) and “Locate and orient building toward streets, **plaza or common open space, and major internal pathways** (emphasis mine) (DG 5a). The “super-block” aspect of the massing does not support the type of development suggested in Section 5 of the Design Guidelines. The mass and bulk of the design is made more imposing by the fact that the building has not been set back at any of the upper levels overlooking the residential neighbors.

The height and width of the unbroken mass of building render is totally out of scale with anything in the East End district if not within the whole of the Rose Hill Design District.

6. Sidewalk And Pathway Widths

Documents indicating that the sidewalks existing adjacent to the site are sufficient to meet the design guidelines were not available for review.

No “curb zone” is suggested or documented per DG 6a and 6b. This should be documented in the application.

A cross-section through these facades out to the roadway would be appropriate to validate if the guidance of DG Section 6 is being met.

7. Pedestrian Coverings

Very few functional pedestrian coverings are provided. Generally, the only pedestrian weather protection offered are roof overhangs directly above individual doorways. This may be appropriate for the design as it is further developed. But as presented, and as noted above, the opportunity for true pedestrian coverings in the form of awnings was missed when the applicant planted the facades. The metal awnings provided at the storefronts serve only to shade the glass (desirable) and the planting areas below (undesirable).

9. Lighting

Proper lighting plans or design were not available for review. Applicant should be required to submit an exterior lighting design for review by the DRB.



11. Interior Pedestrian Connections

As has been noted several times already the large block wide “superblock” type of structure presents a massive facade fronting the adjoining neighbors. In addition, it prevents the interior pedestrian connections envisioned by the design guidelines (see DG figure 32).

16. Architectural Style

DG 16b specifically encourage projects in the East End to adopt common residential styles, arguably low slung ranch-style house with shallow gable or hip roofs. The repetitive shed roofs set on highly vertical facade modulation bays is not in keeping with these types of homes.

In addition, very few opportunities to relate to human scale are offered on the east or west facade as there are few grade level doors, stoops, or porches; items that typically give large residential developments a more human scale. The location of the bottom level parking garage has the effect of creating long sections of blank facades along the east elevation.

17. Architectural Scale

The residential facades facing the surrounding neighborhood seem especially tall. This is emphasized by the proposal the break up the face into many vertical “assembled pieces” (DRB Packet p. 10). While this type of facade modulation is helpful, without a balanced amount of horizontal facade modulation the vertical breakup makes the project feel very tall. A more thoughtful approach to differentiating floors by changing the fenestration sizes and patterns, changing materials at upper levels, upper level set backs etc. should be considered to more effectively mitigate the apparent height of the building.

DG 17a suggests limiting the size of fenestration to 35 square feet (sf). A standard 6’x7’ double entry door would exceed this criterion.

As can be seen on the application (DRB Packet pp. 13-14) there are many windows well in excess of the size of the double entry doors. While the guidelines also call for a good deal of transparency facing 85th, the application shows a fenestration pattern and scale more typical in an office or large commercial building. In other words, the intent of the design guidelines is to encourage many, smaller “punched openings” and discourage larger “walls of glass” seen in more contemporary and larger scale buildings. The project proposed is in conflict with this intension.

Several of the windows in the residential section of the project also seem to be larger that 35sf but it is difficult to tell for sure with the application materials available.

Please see also the related discussion above to architectural scale under 5. Building Location and Orientation



18. Human Scale

On the commercial frontage, the size of the glazing and tall parapet wall combine to make the project feel scale-less. Few mitigating elements are present. Suggestions of these mitigating elements include arcades, balconies, bay windows, trellis, landscaping, awnings, cornices, friezes, art concepts, and courtyards (DG 18a).

Since the awnings do not cover pedestrians (as discussed above) only the landscape areas and the courtyard serve to help mitigate scale. However, these will be kept low as requested by the City and there will do less to mitigate the scale of the facades.

The elevations as presented (DRB Packet pp. 13-14) do not have scale figures placed in the drawings. This makes it difficult for reviewers to judge the scalar qualities of the building. Nevertheless, given the apparent height of the glazing and tall parapet wall, lack of mitigating elements, and the fact that almost all of the entries seemed raised above the sidewalk, it is my opinion that the project does not have a desirable human scale as suggested in section 17b of the Design Guidelines.

The applicant should provide rendered elevations and perspective views with properly scaled human figures to better evaluate the human scale of the proposal.

19. Building Details and Materials

In reviewing page 12 of the DRB Draft Packet, it is unclear where building materials are located. In particular, the two tan colors of fiber-cement siding vs. fiber-cement panels.

The design guidelines section 19 suggests limiting the use of "concrete block, metal siding, stucco or similar materials..." (DG 19c). Almost the entire project is made up of concrete block and fiber-cement panels (which is visually similar to stucco or EIFS). No natural brick, stone, timber, metal or other "quality building materials" are present as suggested in DG 19b and DG 9-Objectives.

No ornament nor any particular emphasis on "highlighting building features such as doors..." (DG 19a) is apparent in the design. Doors, for example, are for the most part incidental panels in a large storefront facade. These storefront doors are set deep into the building, de-emphasizing them even more.

20. Signs

A visual representation of the signage program is missing. The large open expanses of concrete block parapet facing 85th suggest that an uncontrolled, mixed-bag of surface-mounted tenant signs will be installed. Pedestrian-oriented blade signs do not seem possible with this design as suggested by DG 10a (for pedestrian-oriented facades).

Given the size of this project, the signage would ideally be combined together into a shared signage program integrated with the architecture as suggested in DG 20e. That suggestion does not seem to be considered in the application materials reviewed.



Conclusion

The design guidelines seemed to anticipate that a project of larger scale than the current development density was inevitable. (DG p.7) However, the overall intent of the East End sub-district was to maintain lower scaled building, to emphasize a residential and small-business character (DG Fig. 3) and provide "a setting compatible with the surrounding residential uses" (DG p. 3). Several primary issues conspire to make this project, as designed, inappropriate for the site. These include:

Huge floor plate and building bulk. The project size dwarfs any other building footprint in the area creating a "superblock" feel to the proposal and creating a cascade of other design problems relating to the design guidelines include scale parity with neighboring houses, lack of interior connections, and missing human scale. This is exasperated by the number of stories proposed which is not addressed directly in the Design Guidelines but should be noted here due to the impact of the overwhelming sense of bulk that the project presents.

Total lack of a gateway aspect to the design. The very small corner arch element made out of concrete block seems totally dwarfed by the building that is crowding it at the corner. The building itself offers almost no clue to the pedestrian or driver that they are entering the Rose Hill Neighborhood or the City of Kirkland.

Conflicted approach to the facades facing 85th. The facades are neither pedestrian-friendly nor set back far enough to meet code and provide a large landscape buffer. The scale of the facade is not human-scaled and the awnings on the facade are too small and inaccessible to be of any value urbanistically.

Numerous other issues, such as material choices, further make the proposal out of step with the design guidance provided by the City of Kirkland. As the very real gateway project to Kirkland the project should, as much as any other proposal, meet the primary design objective of the district which includes "Ensure that new developments meet high standards building and site design." (Design Guidelines pg. 2, "Design Objectives")

I hope these observations help you understand the building proposal in front of you and give positive suggestions to help address your concerns. If you have any questions or comments on the above please do not hesitate to contact me.

Sincerely,

John H Adams, AIA

Tony Leavitt

From: Susan Davis <SusanDavis@live.com>
Sent: Monday, November 18, 2019 11:42 AM
To: Tony Leavitt; Design Review Board
Subject: Public Comment on Continental Divide Project DRV18-00312

Hello Design Review Board,

My family lives on North Rose Hill which is near the subject property for the Continental Divide Mixed Use project. I have concerns about the severe impact this project could have on our neighborhood. I request your help in mitigating the detrimental effects of this project before it is built. The developer and architect have repeatedly ignored the feedback of the Design Review Board should not be rewarded with exceptions nor approval of their design. The design has way too many large windows and balconies on the north side looking over the single family homes. The building's parking garage access is too close to single family homes (encroachment per required buffer). The neighborhood plan for RH8 allows buildings up to three stories. This is a four story mammoth of a building right next to small single family homes.

The developer and architect are using the elevation changes of the property to create a larger and taller building than should be allowed by having a single story building on the south side and another single story building attached to the 4 story building so ABE height calculation can be gamed. The building of this size was never intended for this area. They are not following our RH8 neighborhood plan with avoid single story buildings because they need the elevation so they can bulk up the 4 story building.

Some design items that need to be followed based on this design document

<https://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Rose+Hill+Design+Guidelines.pdf>

The area this project is located in is the “east end”. Per the design guidelines “the East End, between 128th Avenue NE and the eastern city limits at 132nd Avenue NE, will feature smaller scale businesses and mixed-uses in a setting compatible with surrounding residential uses”

I do not think the following design guidelines are being followed:

“Create effective buffers and transitions between commercial and multi-family land uses and the established residential neighborhoods to the north and south.”

“Site and orient multi-story buildings to minimize impacts to adjacent single family residents. For example, if a multistory building is located near a single family property, provide landscaping elements and/or minimize windows and openings to protect the privacy of adjacent homes. Another consideration is to increase upper level building setbacks.”

“To encourage development configurations that minimize negative impacts to adjacent single family residential areas. “

“Encourage buildings in the East End to utilize architectural styles common to neighboring residential areas. This includes gabled roofs, front porches or covered entries, and fenestration patterns that relate to adjacent single family homes.”

“Maintaining public views and enhancing natural land forms is an important value to the design character of Kirkland. The scale relationships of built forms to their terrain should minimize visual barriers to views and lessen the impact on surrounding neighborhood”

Thank you, Susan

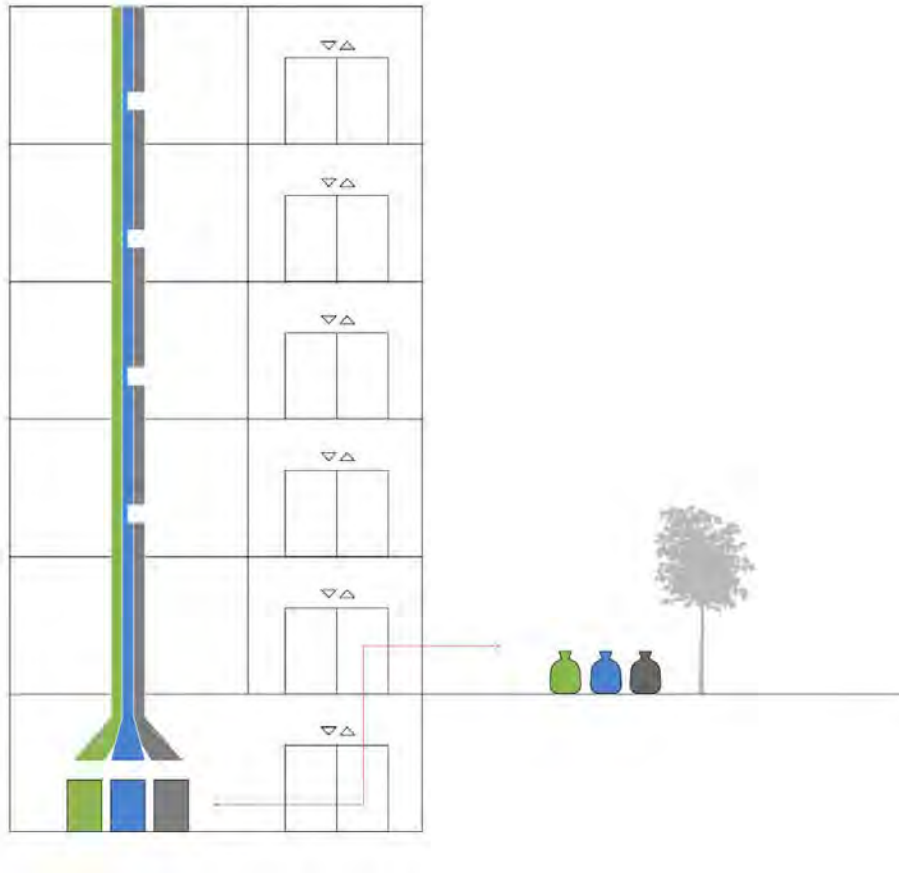
Dear Members of the Review Board,

I am Rajesh Kodali. the owner of the single family residence at 8534 131st ave NE. My wife, Jaya, two daughters, Srinidhi, 6 years old and Srinithya, 3 years old and I reside there. I am a Sr.DevOps Engineer at Maven Coalition Inc. My daughter attends Mark Twain Elementary.

I oppose the proposed design of the Continental Divide development, located at the corner of NE 85th St and 132st Ave NE, Continental Divide Project, permit DRV18-00312. I am most concerned for threats to my family's health, safety, privacy, and adverse impacts to my family's most valuable asset, our home. This project, if approved as proposed, will adversely affect our family a great deal. Here are the design concerns I have.

Garbage bin next to my property:

I am totally flabbergasted by the idea of locating garbage collection for 134 apartments and all the retailers from the new construction 15-50 feet from my property. I cannot accept the sanitary conditions (increased disease, pest infestation, foul odors) that come with locating huge dumpsters so close to my property. I wonder if the designers or members of the Merit Homes team would welcome those kinds of changes so close to their residences. All the modern apartment complexes I have lived in had underground garbage collection points which were moved out into the alley during the days of pickup. Why doesn't the City of Kirkland incorporate these best practices to all the new apartment complexes? I propose the design review board recommend chute boxes on each floor that feeds to the underground parking lot trash room.



Garage Door:

There is a huge garage door proposed **fifteen feet** from my property. The increased traffic, noise and nuisance present real threats to my family's safety, health and privacy. The proposed design more than quadruples the number of vehicles on our quiet neighborhood street. With that traffic comes pollution, increases in encounters with persons who do not share the pride of ownership fostered in this neighborhood for decades, and noise from those coming and going late into the night.

I do not accept the city variance as my family is directly impacted by the decision. We lived in an apartment before and had sleep issues while we were living near garage doors even with double pane windows in the apartment. On doctor's orders, we had to move to a different part of the apartment. I do not want to revisit those same health issues again. The property I own was built in the 1960's and it is not very sound-proof. It hasn't needed to be as we are surrounded by quiet neighbors. I do not have money or time to retro-fit the property. I plead design review board to not accept the proposed design with the garage opening in the north of the property, 15 feet from my property.

Shadows from the building:

The solar report that clearly shows my home will be in shadows for majority of hours for many months which make my property totally deprived of natural light. I am not totally sure if the solar study took into consideration that the property is almost 5 feet higher in elevation than my property. Which means Vitamin-D deficiency for all our family. All the 20-30 year old fruit bearing trees might be dying soon after the apartment construction. No more vegetables and fruits that I grow in my property. There is also huge implication to the solar installation and financial loss over the lifespan of the solar panels.

My property has solar panels installed in the year 2016 and <https://permitsearch.mybuildingpermit.com/PermitDetails/ESF16-02495/KIRKLAND> is the permit from the City for the installation. This is permitted by the City of Kirkland and an investment of \$15000 is made towards the project. The installation generates enough power to cover dark days in winter. On a typical summer month ~ 1050kWh (value based on current PSE rates: ~ \$100) is generated. It's a loss of ~1200/year. Considering the solar panels has a life span of 20 years which is till 2036, The total loss to me is ~ \$20000 and adding the cost of solar panels, it is a loss ~ \$35,000 not considering the increase in PSE rates in the next 16 years. I am wondering who will be compensating for the loss that's caused by the high-rise that's getting constructed violating the city code?

Windows directly pointed at my property:

There are 69 windows in the north elevation of which 42 windows pointed at our property which makes us extremely exposed in my own property. Our comings and goings are visible to dozens of strangers. We spend much of our time in our backyard, tending gardens and fruit trees, barbecuing and playing soccer. With so many eyes peering down, I feel far less safe allowing my young daughters to play in the backyard. There have been multiple requests from the community about this and Merit homes is ignoring the concerns of privacy from the neighbors. I wonder if they even have a sense of belonging to the community except the profit-motive?

I also second the concerns express by my neighbors Olivia A, Mary Yax, Diana Moore and other community members who has valid concerns with the Continental Divide project.

I urge the design board to take into consideration the concerns of a middle class family which has invested so much of its blood sweat and tears into buying a first house in a neighborhood where they can feel safe. The City has been making extraordinary variations from the zoning code. As an immigrant who dreamed of the USA as a land of law and equal justice, it makes me cringe. The design board should consider the plight of middle class family before approving a design that threatens me and my family in so many ways.

Tony Leavitt

From: Carol Monsos <monsosc@hotmail.com>
Sent: Thursday, November 07, 2019 2:14 PM
To: Tony Leavitt
Subject: Continental Divide

I will not be able to attend the upcoming Design Review meeting for the Continental Divide so wanted to submit this email with my concerns.

I have been attending as many meetings as I could for over a year now regarding the Continental Divide (I think I've only missed one). I started out very innocent by hoping that the city really wanted to get some input from community members but found out very quickly that was not the case. The city was going to push this development through no matter what was brought forward as concerns. It seemed to me pretty much right away that the developer had much more influence than anything that the community had to say.

I'm not someone who thinks that development should not happen in her neighborhood. We live close to a very busy street (85th) so it would have been very naïve of me to think that commercial buildings would not be going up close to us. But we had always thought that the lots adjoining 85th were the lots that were going to be developed as office/retail. We had no idea that the zoning was changed (no notice to neighbors) so that this office, retail, apartment complex would be put into what is, or was, a neighborhood community of single-family homes.

There is a row of four homes that sold for a million dollars that were put in about eight years ago that are now going to have this complex as their neighbors. I'm sure that they had no idea that this was going to happen when they purchased their properties. When I went to the City of Kirkland meeting and heard the mayor address concerns regarding privacy, she had the gall to say that she did not have complete privacy in her backyard so didn't think this concern was valid. Sure, she probably has a couple of neighbors that have some view into her yard, but she does not have three stories of balconies staring into her private space. I think it made her sound very foolish and I lost some respect after listening to her.

I have a couple of concerns on the design for the Continental Divide. The biggest concern is getting cars in and out of the parking garage. The design as I've seen it makes no sense. The developer is so set on having each inch of the lot used for apartments and is trying to squeeze an entry off of 131st and the entry/exit onto 132nd. Maybe he should give up some apartments to make the entry/exits really work instead of trying to get easements or purchase more properties for this purpose. From what I understand there will be a gate to the garage that cars need to open to access the garage. Will they be blocking 132nd to wait for the garage to open or will there be room for one to two cars to be off the street to wait for the gate. Also, with the entry/exit being so close to the 85th intersection will they be blocking lanes to try to get over to the left turn lanes to get to Redmond. I know that the developer could care less if their design causes problems after they build and are gone. I think it's up to the city to make sure that the design works before they sign off completely and I don't think it's there yet.

I have looked at the traffic studies that have been done. Of course, they are very hard to understand. But what I do know, since I live it every day, is that the traffic on the intersection of 85th and 132nd is horrible. In the morning on a typical workday the traffic on 132nd north of 85th is typically back up past 95th (10 blocks) waiting to get to the intersection. Most turn left onto 85th going towards Redmond. On any day that 405 is slow then the back up is much longer. The afternoon commute is no better with cars using 132nd as a major street to get north. We have lived here for 15 years and have been seeing this get continually worse. How adding a complex with over 100 units on this corner is OK is baffling.

I think this type of high-density building does not belong on this corner. There are no grocery stores close by. A couple of restaurants are close but that's it. I think that what is happening at Totem Lake is wonderful and can see where high density really can work. I think that density in downtown Kirkland makes sense. These areas have a lot of stores, restaurants and transit very close so that people can park their cars and walk. That will not happen at Continental Divide. People are going to be using their cars and add to the horrific traffic.

A smarter use for this corner would have been for stores along 85th and townhouses behind. Each townhouse could have their own garages and the look of the townhouse would have been a much better transition to the other houses in the neighborhood. I think that this huge complex will look so out of place.

So, I know that this email is not going to change any minds. The Continental Divide will happen and life will go on. But we will be living with this terrible decision for years. I hope that the Continental Divide complex stays the nice shiny complex that we keep seeing in pictures for many years. I hope that the landscape is kept up and not forgotten once the complex has been completed and the contractors move on like so many other areas that I see. I hope that the people live or work at the complex are respectful of the neighborhood. I hope that we are not the regret that the city feels later when they see this out of place, oversized complex complete.

Carol Monsos
8604 134th Ct NE
Redmond, WA
monsosc@hotmail.com

Sent from [Mail](#) for Windows 10

Tony Leavitt

From: Reid Borsuk <reid.borsuk@gmail.com>
Sent: Wednesday, November 13, 2019 6:52 PM
To: Design Review Board; Tony Leavitt
Cc: Sarah Yao
Subject: In re: Permit No. DRV18-00312 – “Continental Divide Mixed Use.”

Design Review Board members;

We are the owners of 8543 132nd Ave NE, writing in regards to **Permit No. DRV18-00312** – “Continental Divide Mixed Use.” Our property shares a portion of the Subject Property’s northern boundary; the proposed structure would become our direct neighbor to our south.

While this process has been difficult on both sides of the debate, I am shocked to see how much Merit Home’s proposal continues to flout the Design Guidelines for the Rose Hill Business District.

Modulation & Bulk

The “Techniques to Moderate Bulk and Mass in the RHBD [...] Zones” required under KZC 92.30.3 clearly state that any façade longer than 120 feet requires modulation of exterior walls by a 30-foot-wide (a.2), 20-foot-deep modulation (a.3). While the east wall is 234 feet, 1 inch long, it has no modulation deeper than 8 feet and this modulation is 15 feet wide, leaving 191 feet 4 inches uninterrupted bulk to the north of it. Most other modulations are an anemic 2 feet deep. (See page 93 of the packet)

The west elevation has 149 feet, 8 inches of bulk uninterrupted by substantial modulation patterns. None of the displayed modulations will meet the minimum width of 30 feet wide, and all are only 2 feet in depth (See page 94 of the packet)

The north elevation is even worse, 299 feet 5 inches wide with a single modulation on the east meeting width requirements (32 feet, 3 inches) but is only 8 feet in depth from the nearest walls. This leaves a bulk of 187 feet, 11 inches to the west of the modulation pattern, again recessed at only 2 feet deep. (See page 95 of the packet)

Building Location and Orientation

Design Guideline #5d in the Rose Hill Business District requires:

Site and orient multi-story buildings to minimize impacts to adjacent single family residents. For example, if a multistory building is located near a single family property, provide landscaping elements and/or minimize windows and openings to protect the privacy of adjacent homes. Another consideration is to increase upper level building setbacks.

Yet this building continues to orient both windows and exterior balconies oriented directly to the rear of the property, maximizing impact to nearby single-family homes.

Although the design guidelines for the entryway specify “A gateway sign with the city logo” (DG 1c) and “multicolored masonry forming a base for an entry sign” (DG 1d), this design still neglects the corner of 85th and 132nd as a gateway to Kirkland’s Rose Hill district. It also neglects to submit a lighting plan. (DG 1e) The landscaping does not have any “distinctive” character and instead is a slapdash attempt to bypass the identity requirements in the design guidelines.

Landscape Buffer

The developers own documentation still demonstrates encroachment of the 131st driveway into the required 15-foot setback and landscape buffer granted to the northern neighbors, despite repeated rejection from variance requests by both northern owners as well as the city. (See page 99 of DRB packet.)

Additionally, while the land use buffer is intended to be a “structural, earth or vegetative form that is located along a boundary for the purpose of minimizing visual and noise impacts,” (KZC 5.085) this plan places a pedestrian path squarely within the mandatory land use buffer, which will maximize noise and visual impact to surrounding residential usages. The rendered design on page 100 directly contradicts the path that is detailed on page 99, indicating the Design Review Board’s request for renders continue to be answered with incomplete and inaccurate data.

Solar Impacts

The landscape design on page 100 also directly contradicts the solar studies presented on page 75. The landscape design depicts tall trees against the northern façade, noticeably taller than the surrounding building, however the solar study indicates that the building itself will be the only contributor to solar shading along the northern property line.

This sun study already indicates extreme light loss for their neighbors to the north. Our property, as well as the property of 4 other neighbors, will be shaded for the entire day at least at one point in the year (Page 74-75). The renderings for “Oct 22 and Feb 22”, as well as “Nov 22 and Jan 22” show that our house will have the back yard and windows entirely in shade for the majority of the day at these points in the year. This is of particular concern to us as we have a small garden at the southernmost edge of our property, closest to the proposed structure. Although sunlight is less in demand for plants in December, it’s also then that it’s at its most valuable with our limited Seattle sun.

Under-width east driveway entrance

These documents and elevations continue to represent the eastbound garage entrance as 20 feet wide, even though the required width of 2-way driveways in Kirkland is 24 feet wide.

With such a low quality of data and a lack of attention to the city of Kirkland’s fine design guidelines for the Rose Hill Business District, it’s not possible to fully evaluate this projects impact on the surrounding community. The Design Review Board should continue to require that this project adhere to all appropriate design regulations, including minimizing the impact of privacy violations on neighboring properties and encroachment onto required landscape buffers.

Reid Borsuk & Sarah Yao

8543 132nd Ave NE

Kirkland, WA 98033

Tony Leavitt

From: Mary Yax <maryyax@cbbain.com>
Sent: Friday, November 15, 2019 7:31 AM
To: Tony Leavitt
Subject: Fw: Continental Divide Design Review

Please forward my comments to the DRB for review over the weekend prior to Monday evening's DRB meeting.

Mary Yax
206-612-8722
8624 133rd Avenue NE
Redmond, WA

From: Mary Yax
Sent: Thursday, November 14, 2019 11:13 PM
To: Designreviewboard@kirkland.gov <Designreviewboard@kirkland.gov>
Subject: Continental Divide Design Review

MY CONCERN FOR MY NEIGHBORHOOD

My house is directly east of this Merit project in The Pointe, a community of 81 homes. I have spoken several times before regarding this "block buster" project. What started out as a two story building zoned office, is now a huge apartment building looming behind two small "office" and "commercial" one story buildings acting as a facade to this huge apartment building surrounded on three sides by single family homes.

Through out the years of proposals and designs from Merit Homes, they never varied from the design they had in their minds. They even got the City to change the definition of "ground level" to fit their plan. They had been warned continuously that ground level apartments were not allowed. Well they are now! They even got the zoning changed to fit their plan.

I have high hopes and confidence that the DRB can get a handle of this situation. I have attended the DRB meeting and watched you tell the builder--consider the neighbors to the north, less windows, more residential in feel, different roof line, less balconies, no large flat walls, an interesting corner feature for Rose Hill, plaza and spaces for folks to sit. I heard you loud and clear, but highly doubt the builder was listening. They have their own plan. They come before you Monday night offering pretty pictures of somebody else's projects. Lots of visions and renderings of colorful flowers and happy people. That is not what they want to build. They have lots of renderings and pics of others' buildings, chairs, fire pits, artwork. But show little of plan.

WHAT DO I SEE

- **Same # of windows north side. Same # to invade privacy.
- **Same number of balconies north side
- **Additional balcony in the Club Room for even less privacy and more noise.
- **No new review and report of lack of sunlight on neighbors
- **Photos of others art work. No gateway sketch from them.
- **Same design and style of all window-- rectangles Very ho hum.
- **Hodgepodge roof-some flat, pitched, and shed (they got it all covered.)
- **So few shed roofing left they should not be allowed a taller building

- **Two foot modulation on a HUGE wall? Too shallow and too few
- **Roofing with little or no "residential in nature" feel.
- **Public spaces for folks to sit. A few benches and lots of planters for skateboarders. 1 table and a chair on the sidewalk. (Why not use space east of commercial building for tables and chairs and maybe fire pit.)
- **Private area for residents activities. They rendered 1 table and a few chairs. Then added photos from somewhere else.
- **No sample of landscape lighting and exterior lighting.
- **Shared parking without applying for it.
- **No landscaping strips in guest parking as required every 6-8 stalls.
- **Stairwells be considered "residential amenity space"

WHAT I DON'T SEE

- ** Some dimensions of importance missing. Some drawings don't even show East driveway.
- **The plans do not show the 12.5 foot ROW improvement easement along easterly lot line an the required right of way easement to relocate signal pole. Concern easements will conflict with their "vision" of the Gateway. How does it affect placement of sidewalk, landscaping, etc.
- **Merit has not obtained a required variance from neighboring property.
- **Merit homes has not applied with the City for Shared Parking.
- **Merit homes does not show required garage exit driveway being designed to accommodate a commercial truck turnaround.
- ** City restrictions of height of landscaping at driveway on 132nd.
- **SEPA being completed (it is still under review)

Merit Homes has violated the Neighborhood Plan. Merit Homes has ignored their neighbors' concerns. Merit Homes has discounted your requests and suggestions. They have their own plan.

The members of the Design Review Board work very hard to review all the projects and get them right. This one is a difficult, ever changing project that needs your full attention.

Look forward to being with you on Monday evening.

Mary Yax
206-612-8722
8624 133rd Avenue NE
Redmond, WA

Tony Leavitt

From: Olivia A <okayall@outlook.com>
Sent: Friday, November 15, 2019 10:04 AM
To: Designreviewboard@kirkland.gov
Cc: Tony Leavitt; Adam Weinstein; Kurt Triplett
Subject: Public Comment on Continental Divide Project DRV18-00312
Attachments: Continental Divide_Design Review Report_Adams Architecture_20181129.pdf

Dear Design Review Board Members,

My family lives in the house at 8402 132nd Ave NE, which is near the subject property for the Continental Divide Mixed Use project. I have concerns about the severe impact this project could have on our neighborhood. I request your help in mitigating the detrimental effects of this project before it is built.

Our Architect's Review

My neighbors and I feel so strongly about the proposed project that we commissioned a Design Review Report from architect John Adams of Adams Architecture. Mr. Adams has analyzed the plans, cited specific design guidelines to support his conclusions, and made recommendations to the Design Review Board. Please see Mr. Adams' report in the attachment.

Ignoring the Board

For a year and a half, the developer for the Continental Divide project has had a dream building in mind and has shown no willingness to compromise. Several Design Review Board meetings were held in 2018 in which the developer repeatedly seemed to ignore the feedback from this board. In the year since, the developer had the zoning code changed for the entire zone around this property so that this one project could be built according to their exact vision. Now we are all a year older, but the developer's unchanged proposals continue to disrespect this board and its purpose.

- At the August 2018 meeting, the developer produced the revised design on the day of the meeting. This left no time for the city, the board members, or the community to review it.
- Instead of the requested decrease of windows and balconies on the north side, by the developer's own count the current plan has the same number of windows and balconies as it did a year ago.
- Despite the board's request, the windows were not made "more residential in nature."
- The windows are also not of various types, but instead remain uniform and repetitious.
- The project still includes long north and east facades with shallow recesses.
- The exterior of the parking garage is still entirely blank walls.
- The roofline along 85th is flat and featureless.
- Guest and retail parking were not increased. The developer's claim that the businesses will use the spaces only during the day and guests will use them only at night and weekends is erroneous and impractical. No exceptions should be granted based on this claim.
- Solar access for adjacent properties was not improved and the solar study has been omitted. The variance for roof height should not be granted because of the solar impact on the properties to the north.

Repeatedly ignoring the feedback of the Design Review Board should not be rewarded with exceptions nor approval of their design.

Violations of the Neighborhood Plan

Two violations of the Rose Hill Neighborhood Plan, which specifically apply to the East End, are still not reflected in the current proposal. Please insist that the developer's proposal adhere to the neighborhood plan.

- The description of the project states it is "a four story mixed use building" however the Rose Hill Neighborhood Plan limits buildings to three stories by stating, "providing incentives including increased building heights up to three stories" (East End Policies, Policy RH-32). This project cannot have four stories if the limit is three stories.
- This project includes a single-story commercial building, however the Rose Hill Neighborhood Plan prohibits such buildings by stating, "Discourage single-story retail buildings" (East End Policies, Policy RH-32). A design which includes a new single-story retail building should not be approved by the Design Review Board.

Please Do Not Approve

I am seeking the following solutions and intervention on the Design Review Board's part:

- The design for this development should not be approved, because it violates the Neighborhood Plan and does not reflect the feedback from the board.
- Upcoming Design Review Board meetings should be cancelled until:
 - The developer proves this development complies with the Rose Hill Neighborhood Plan.
 - The developer demonstrates a willingness to respond to requests from board members.
 - The developer makes concessions to address the concerns of the neighborhood of which this project wants to be a part.
- If the developer does not provide a revised plan within the 7 days required by the city code, the corresponding Design Review Board meeting should be cancelled and rescheduled for no less than 30 days in the future. This will allow board members and community members enough time to be informed about the new meeting.

Please do not set a precedent by allowing this huge, out-of-place development in our neighborhood which does not reflect to the board's requests and clearly conflicts with the Rose Hill Neighborhood Plan. Please do what is in the power of the Design Review Board to help our neighborhood keep its safety, traffic flow, and quality of life. We are counting on you to hear us and make the vital changes necessary before the Continental Divide project is built.

Sincerely,
Olivia Ahna
8402 132nd Ave NE



27 November 2018

Adams Architecture
John & Anne Adams
tel. 206-954-2885 Anne
tel. 206-669-4852 John
www.adamsarchitecture.net
anne@adamsarchitecture.net
john@adamsarchitecture.net

The Rose Hill Community Group
info@comingtokirkland.com

Re: Continental Divide Mixed Use Project - DRV18-00312

Dear Rose Hill Community Group:

At your request, I have reviewed the "Continental Divide" mixed-use project, City of Kirkland project #DRV18-00312. The documents I have reviewed are the latest versions of documents posted on the internet including:

Continental Divide Mixed Use Project DRB Meeting Packet 07022018 -
DRV18-00312.pdf

Design Guidelines for Rose Hill Business District, The City of Kirkland, Jan. 3 2006

The scope of my review has been limited to the compliance of the project proposal with the City of Kirkland design guidelines for the Rose Hill Design District. In particular, the site is located within the "East End" district of the Rose Hill neighborhood. This East End portion of the design area is intended to be the lowest scaled and least intensely developed of the areas in Rose Hill. Issues relatedly directly to the Land Use code such as parking and building height are not within the purview of this review.

My comments below are organized in the same order as the design guidelines are listed. In the document references below "DG" is the 'Design Guidelines for Rose Hill Business District' and "DRB Packet" is the "Continental Divide Mixed Use Project DRB Meeting Packet 07022018".

Page numbers are just noted as p.5 or pp. 5-6. Specific sections of the Design Guidelines are referred to by the outline labeling; so section "5." paragraph "c" will be noted as "DG 5c".

Introductory Sections

The Design Guidelines are consistent in suggesting that smaller scale development is appropriate at the "East End" portion of the Rose Hill District (DG pg. 7). The guidelines also suggest that new developments are "residential in character" and suggests that the "conversion of single-family homes" is an example of a properly scaled development. The proposal as presented is instead almost a "superblock" development with a massive single floor plate hidden behind a series of "western storefront" facade elements. This is clearly shown in the application's design parti diagrams (DRB Packet p. 10) showing a large c-shaped massing with "assembled pieces" shown dropping into place.



The guidelines go on to predict property consolidation but still refer to a “mix of storefronts” and “multi-stories buildings” implying a collection of smaller scale residential and commercial buildings. It is clear from DG Figure 18 and Figure 32 that the intent for the entire Rose Hill District is to front each street block with two or even three buildings. This would be especially applicable at the East End portion of the district where smaller scale building with less density is desired. Except for a mid-block break for the 85th Street plaza, the remaining facades are almost monolithic in their presentation to the neighboring sites (pp. 13-14 DRB Packet).

1. Entry Gateway Features

The design guidelines call for a unique landscaping treatment at the gateway corners of Rose Hill (DG 1a). No discernible “distinctive landscaping” with a rose garden or other distinctive soft-scape elements are visible.

The guidelines also call for an artwork element which is not shown (DG 1b). The southeast corner of the project has a masonry element shown, but it does not appear to be a monument sign nor an architectural “gateway element”. It is crowded by the massing of building directly behind it and is not unique as there is a copy of this element at the west end of the project. It also appears that the element is under-scaled as it is barely visible in the context of the building (DRB Packet p.8).

It is also unclear if the element is the same or different material as the building (see image on p35 vs p32 DRB Packet). Finally no gateway sign with City logo is visible or not sufficiently documented to understand (DG 1c, 1d).

No lighting is shown and needs to be submitted for review (DG 1e).

2. Street Trees

The street trees required by Section 2 of the design guidelines are not documented clearly as trees in the ROW and on the private property are simply shown as graphic elements without species callouts, planting information, tree grates, etc.

It is hard to tell if trees represent a unifying element as called out in Design Guidelines 2b.

3. Street Corners

There does not seem to be any discernible strategy to organize the corner of the building to emphasize the gateway quality of the eastern intersection. Statements made on p8 of DRB Draft Packet are not consistent with the images presented on the same page.

Design guidelines 3a, 3c, 3d suggest the following options (DG p10):

Design treatments that emphasize street corners (DG 3a). - These are not apparent in the proposal. The aspects suggested by the applicant (DRB Packet p8) are neither recognized treatments by the design guideline nor unique to the corner design which is



intended to be “distinctive” and “special”. (DG 3a 3c 3d). Also, no signage program either for the development or gateway element is shown. (DG 3A, DG 1c)

Plaza spaces (DG 3a) - No plazas are present at the corner in fact the corner feels crowded and not a good place for pedestrian gathering.

Special landscaping elements (DG 3c) These are not visible in DRB presentation. There is also no indication how seasonal interest will be provided. The applicant should prepare a planting diagram indicating plants species and which softscape elements will add seasonal interest in all four seasons.

The guidelines also call for visual interest, sense of proportion and human scale. (DG 3d) Suggestions include:

Raised Roof Line - roof line is not raised instead it is a continuation of the residential wing's roofline.

Turret - no typical corner type architectural element is present

Corner Balconies - a rooftop terrace is proposed but it is hidden behind a parapet wall

Special Awning - no awning or canopies are proposed at corner entry. Instead the entry is simply recessed under the parapet above. This treatment is repeated at all the commercial entries along 85th making the corner element totally indistinct from the other storefronts. Awnings that are proposed adjacent to the corner entry are exact copies of other awnings on building and are not sufficiently scaled to be identifiable as a special element.

Distinctive Building Materials - No special materials are suggested, just a repeat of the CMU and fiber-cement offered everywhere else on the project.

It should be noted that it is unfortunate that the public plaza has been placed at mid-block instead of at the corner. While the plaza is a good design feature, the design proposal has missed the opportunity to “hit two birds with one stone” and create the entry gateway element carefully described in the design guidelines and provide a successful urban gathering space. Figures 8 and 17 of the Design Guideline shows clearly how this can be accomplished. A much smaller corner building uniquely scaled and clearly differentiated from the adjoining residential bar could potentially better address these issues.

4. Pedestrian-Friendly Building Fronts

The applicant is seeking a zoning code departure from KZC 53.84 to reduce the front setback suggesting a Pedestrian-Oriented Facade along 85th to compensate. However, the application is not meeting the intent of such a facade design as they are blocking the facade with a landscape strip, not relocating and/or widening the sidewalk and therefore keeping pedestrians away from the facade. This design compromises both approaches as a smaller planting strip is created, as opposed to the width suggested by the property setbacks and in Figures 15 and 16 of the Design Guidelines. Additionally,



the awnings provided do nothing for the pedestrian because they are located over the planting beds. The design clearly does not meet the intent of a pedestrian-oriented facade (DG figure 19) and the departure should not be granted on this basis.

5. Building Location and Orientation

Section 5 of the design guidelines address multi-story buildings adjacent to single-family residents (north, east, and west of the site in particular). Several suggestions were not incorporated into the design including, minimizing windows to protect privacy and increasing upper-level building setbacks.

It would also stand to reason that breaking the building up into smaller buildings on the site would also encourage the type of scale that would “minimize negative impacts to adjacent single-family residential areas” (DG 5 Objectives) and “Locate and orient building toward streets, **plaza or common open space, and major internal pathways** (emphasis mine) (DG 5a). The “super-block” aspect of the massing does not support the type of development suggested in Section 5 of the Design Guidelines. The mass and bulk of the design is made more imposing by the fact that the building has not been set back at any of the upper levels overlooking the residential neighbors.

The height and width of the unbroken mass of building render is totally out of scale with anything in the East End district if not within the whole of the Rose Hill Design District.

6. Sidewalk And Pathway Widths

Documents indicating that the sidewalks existing adjacent to the site are sufficient to meet the design guidelines were not available for review.

No “curb zone” is suggested or documented per DG 6a and 6b. This should be documented in the application.

A cross-section through these facades out to the roadway would be appropriate to validate if the guidance of DG Section 6 is being met.

7. Pedestrian Coverings

Very few functional pedestrian coverings are provided. Generally, the only pedestrian weather protection offered are roof overhangs directly above individual doorways. This may be appropriate for the design as it is further developed. But as presented, and as noted above, the opportunity for true pedestrian coverings in the form of awnings was missed when the applicant planted the facades. The metal awnings provided at the storefronts serve only to shade the glass (desirable) and the planting areas below (undesirable).

9. Lighting

Proper lighting plans or design were not available for review. Applicant should be required to submit an exterior lighting design for review by the DRB.



11. Interior Pedestrian Connections

As has been noted several times already the large block wide “superblock” type of structure presents a massive facade fronting the adjoining neighbors. In addition, it prevents the interior pedestrian connections envisioned by the design guidelines (see DG figure 32).

16. Architectural Style

DG 16b specifically encourage projects in the East End to adopt common residential styles, arguably low slung ranch-style house with shallow gable or hip roofs. The repetitive shed roofs set on highly vertical facade modulation bays is not in keeping with these types of homes.

In addition, very few opportunities to relate to human scale are offered on the east or west facade as there are few grade level doors, stoops, or porches; items that typically give large residential developments a more human scale. The location of the bottom level parking garage has the effect of creating long sections of blank facades along the east elevation.

17. Architectural Scale

The residential facades facing the surrounding neighborhood seem especially tall. This is emphasized by the proposal the break up the face into many vertical “assembled pieces” (DRB Packet p. 10). While this type of facade modulation is helpful, without a balanced amount of horizontal facade modulation the vertical breakup makes the project feel very tall. A more thoughtful approach to differentiating floors by changing the fenestration sizes and patterns, changing materials at upper levels, upper level set backs etc. should be considered to more effectively mitigate the apparent height of the building.

DG 17a suggests limiting the size of fenestration to 35 square feet (sf). A standard 6’x7’ double entry door would exceed this criterion.

As can be seen on the application (DRB Packet pp. 13-14) there are many windows well in excess of the size of the double entry doors. While the guidelines also call for a good deal of transparency facing 85th, the application shows a fenestration pattern and scale more typical in an office or large commercial building. In other words, the intent of the design guidelines is to encourage many, smaller “punched openings” and discourage larger “walls of glass” seen in more contemporary and larger scale buildings. The project proposed is in conflict with this intension.

Several of the windows in the residential section of the project also seem to be larger than 35sf but it is difficult to tell for sure with the application materials available.

Please see also the related discussion above to architectural scale under 5. Building Location and Orientation



18. Human Scale

On the commercial frontage, the size of the glazing and tall parapet wall combine to make the project feel scale-less. Few mitigating elements are present. Suggestions of these mitigating elements include arcades, balconies, bay windows, trellis, landscaping, awnings, cornices, friezes, art concepts, and courtyards (DG 18a).

Since the awnings do not cover pedestrians (as discussed above) only the landscape areas and the courtyard serve to help mitigate scale. However, these will be kept low as requested by the City and there will do less to mitigate the scale of the facades.

The elevations as presented (DRB Packet pp. 13-14) do not have scale figures placed in the drawings. This makes it difficult for reviewers to judge the scalar qualities of the building. Nevertheless, given the apparent height of the glazing and tall parapet wall, lack of mitigating elements, and the fact that almost all of the entries seemed raised above the sidewalk, it is my opinion that the project does not have a desirable human scale as suggested in section 17b of the Design Guidelines.

The applicant should provide rendered elevations and perspective views with properly scaled human figures to better evaluate the human scale of the proposal.

19. Building Details and Materials

In reviewing page 12 of the DRB Draft Packet, it is unclear where building materials are located. In particular, the two tan colors of fiber-cement siding vs. fiber-cement panels.

The design guidelines section 19 suggests limiting the use of "concrete block, metal siding, stucco or similar materials..." (DG 19c). Almost the entire project is made up of concrete block and fiber-cement panels (which is visually similar to stucco or EIFS). No natural brick, stone, timber, metal or other "quality building materials" are present as suggested in DG 19b and DG 9-Objectives.

No ornament nor any particular emphasis on "highlighting building features such as doors..." (DG 19a) is apparent in the design. Doors, for example, are for the most part incidental panels in a large storefront facade. These storefront doors are set deep into the building, de-emphasizing them even more.

20. Signs

A visual representation of the signage program is missing. The large open expanses of concrete block parapet facing 85th suggest that an uncontrolled, mixed-bag of surface-mounted tenant signs will be installed. Pedestrian-oriented blade signs do not seem possible with this design as suggested by DG 10a (for pedestrian-oriented facades).

Given the size of this project, the signage would ideally be combined together into a shared signage program integrated with the architecture as suggested in DG 20e. That suggestion does not seem to be considered in the application materials reviewed.



Conclusion

The design guidelines seemed to anticipate that a project of larger scale than the current development density was inevitable. (DG p.7) However, the overall intent of the East End sub-district was to maintain lower scaled building, to emphasize a residential and small-business character (DG Fig. 3) and provide "a setting compatible with the surrounding residential uses" (DG p. 3). Several primary issues conspire to make this project, as designed, inappropriate for the site. These include:

Huge floor plate and building bulk. The project size dwarfs any other building footprint in the area creating a "superblock" feel to the proposal and creating a cascade of other design problems relating to the design guidelines include scale parity with neighboring houses, lack of interior connections, and missing human scale. This is exasperated by the number of stories proposed which is not addressed directly in the Design Guidelines but should be noted here due to the impact of the overwhelming sense of bulk that the project presents.

Total lack of a gateway aspect to the design. The very small corner arch element made out of concrete block seems totally dwarfed by the building that is crowding it at the corner. The building itself offers almost no clue to the pedestrian or driver that they are entering the Rose Hill Neighborhood or the City of Kirkland.

Conflicted approach to the facades facing 85th. The facades are neither pedestrian-friendly nor set back far enough to meet code and provide a large landscape buffer. The scale of the facade is not human-scaled and the awnings on the facade are too small and inaccessible to be of any value urbanistically.

Numerous other issues, such as material choices, further make the proposal out of step with the design guidance provided by the City of Kirkland. As the very real gateway project to Kirkland the project should, as much as any other proposal, meet the primary design objective of the district which includes "Ensure that new developments meet high standards building and site design." (Design Guidelines pg. 2, "Design Objectives")

I hope these observations help you understand the building proposal in front of you and give positive suggestions to help address your concerns. If you have any questions or comments on the above please do not hesitate to contact me.

Sincerely,

John H Adams, AIA



27 November 2018

Adams Architecture
John & Anne Adams
tel. 206-954-2885 Anne
tel. 206-669-4852 John
www.adamsarchitecture.net
anne@adamsarchitecture.net
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A cross-section through these facades out to the roadway would be appropriate to validate if the guidance of DG Section 6 is being met.

7. Pedestrian Coverings

Very few functional pedestrian coverings are provided. Generally, the only pedestrian weather protection offered are roof overhangs directly above individual doorways. This may be appropriate for the design as it is further developed. But as presented, and as noted above, the opportunity for true pedestrian coverings in the form of awnings was missed when the applicant planted the facades. The metal awnings provided at the storefronts serve only to shade the glass (desirable) and the planting areas below (undesirable).

9. Lighting

Proper lighting plans or design were not available for review. Applicant should be required to submit an exterior lighting design for review by the DRB.



11. Interior Pedestrian Connections

As has been noted several times already the large block wide “superblock” type of structure presents a massive facade fronting the adjoining neighbors. In addition, it prevents the interior pedestrian connections envisioned by the design guidelines (see DG figure 32).

16. Architectural Style

DG 16b specifically encourage projects in the East End to adopt common residential styles, arguably low slung ranch-style house with shallow gable or hip roofs. The repetitive shed roofs set on highly vertical facade modulation bays is not in keeping with these types of homes.

In addition, very few opportunities to relate to human scale are offered on the east or west facade as there are few grade level doors, stoops, or porches; items that typically give large residential developments a more human scale. The location of the bottom level parking garage has the effect of creating long sections of blank facades along the east elevation.

17. Architectural Scale

The residential facades facing the surrounding neighborhood seem especially tall. This is emphasized by the proposal the break up the face into many vertical “assembled pieces” (DRB Packet p. 10). While this type of facade modulation is helpful, without a balanced amount of horizontal facade modulation the vertical breakup makes the project feel very tall. A more thoughtful approach to differentiating floors by changing the fenestration sizes and patterns, changing materials at upper levels, upper level set backs etc. should be considered to more effectively mitigate the apparent height of the building.

DG 17a suggests limiting the size of fenestration to 35 square feet (sf). A standard 6’x7’ double entry door would exceed this criterion.

As can be seen on the application (DRB Packet pp. 13-14) there are many windows well in excess of the size of the double entry doors. While the guidelines also call for a good deal of transparency facing 85th, the application shows a fenestration pattern and scale more typical in an office or large commercial building. In other words, the intent of the design guidelines is to encourage many, smaller “punched openings” and discourage larger “walls of glass” seen in more contemporary and larger scale buildings. The project proposed is in conflict with this intension.

Several of the windows in the residential section of the project also seem to be larger that 35sf but it is difficult to tell for sure with the application materials available.

Please see also the related discussion above to architectural scale under 5. Building Location and Orientation



18. Human Scale

On the commercial frontage, the size of the glazing and tall parapet wall combine to make the project feel scale-less. Few mitigating elements are present. Suggestions of these mitigating elements include arcades, balconies, bay windows, trellis, landscaping, awnings, cornices, friezes, art concepts, and courtyards (DG 18a).

Since the awnings do not cover pedestrians (as discussed above) only the landscape areas and the courtyard serve to help mitigate scale. However, these will be kept low as requested by the City and there will do less to mitigate the scale of the facades.

The elevations as presented (DRB Packet pp. 13-14) do not have scale figures placed in the drawings. This makes it difficult for reviewers to judge the scalar qualities of the building. Nevertheless, given the apparent height of the glazing and tall parapet wall, lack of mitigating elements, and the fact that almost all of the entries seemed raised above the sidewalk, it is my opinion that the project does not have a desirable human scale as suggested in section 17b of the Design Guidelines.

The applicant should provide rendered elevations and perspective views with properly scaled human figures to better evaluate the human scale of the proposal.

19. Building Details and Materials

In reviewing page 12 of the DRB Draft Packet, it is unclear where building materials are located. In particular, the two tan colors of fiber-cement siding vs. fiber-cement panels.

The design guidelines section 19 suggests limiting the use of "concrete block, metal siding, stucco or similar materials..." (DG 19c). Almost the entire project is made up of concrete block and fiber-cement panels (which is visually similar to stucco or EIFS). No natural brick, stone, timber, metal or other "quality building materials" are present as suggested in DG 19b and DG 9-Objectives.

No ornament nor any particular emphasis on "highlighting building features such as doors..." (DG 19a) is apparent in the design. Doors, for example, are for the most part incidental panels in a large storefront facade. These storefront doors are set deep into the building, de-emphasizing them even more.

20. Signs

A visual representation of the signage program is missing. The large open expanses of concrete block parapet facing 85th suggest that an uncontrolled, mixed-bag of surface-mounted tenant signs will be installed. Pedestrian-oriented blade signs do not seem possible with this design as suggested by DG 10a (for pedestrian-oriented facades).

Given the size of this project, the signage would ideally be combined together into a shared signage program integrated with the architecture as suggested in DG 20e. That suggestion does not seem to be considered in the application materials reviewed.



Conclusion

The design guidelines seemed to anticipate that a project of larger scale than the current development density was inevitable. (DG p.7) However, the overall intent of the East End sub-district was to maintain lower scaled building, to emphasize a residential and small-business character (DG Fig. 3) and provide "a setting compatible with the surrounding residential uses" (DG p. 3). Several primary issues conspire to make this project, as designed, inappropriate for the site. These include:

Huge floor plate and building bulk. The project size dwarfs any other building footprint in the area creating a "superblock" feel to the proposal and creating a cascade of other design problems relating to the design guidelines include scale parity with neighboring houses, lack of interior connections, and missing human scale. This is exasperated by the number of stories proposed which is not addressed directly in the Design Guidelines but should be noted here due to the impact of the overwhelming sense of bulk that the project presents.

Total lack of a gateway aspect to the design. The very small corner arch element made out of concrete block seems totally dwarfed by the building that is crowding it at the corner. The building itself offers almost no clue to the pedestrian or driver that they are entering the Rose Hill Neighborhood or the City of Kirkland.

Conflicted approach to the facades facing 85th. The facades are neither pedestrian-friendly nor set back far enough to meet code and provide a large landscape buffer. The scale of the facade is not human-scaled and the awnings on the facade are too small and inaccessible to be of any value urbanistically.

Numerous other issues, such as material choices, further make the proposal out of step with the design guidance provided by the City of Kirkland. As the very real gateway project to Kirkland the project should, as much as any other proposal, meet the primary design objective of the district which includes "Ensure that new developments meet high standards building and site design." (Design Guidelines pg. 2, "Design Objectives")

I hope these observations help you understand the building proposal in front of you and give positive suggestions to help address your concerns. If you have any questions or comments on the above please do not hesitate to contact me.

Sincerely,

John H Adams, AIA



BRICKLIN & NEWMAN LLP
lawyers working for the environment

Reply to: Seattle Office

October 30, 2018

VIA E-MAIL TO
TLeavitt@kirkland.gov
planninginfo@kirklandwa.gov
Building_Services@kirklandwa.gov
SCroll@kirklandwa.gov

Planning and Community Development
123 5th Ave., Kirkland, WA 98033

RE: Public Comment in Opposition to Continental Divide Mixed-Use

Dear Planning Department:

On behalf our client, the Rose Hill Community Group, we submit the following for the City's consideration as it considers the "ground floor" issue and other land use code issues related to the proposed "Continental Divide" mixed-use development, File No. DRV18-00312 (formerly known as the Griffis Mixed Use Project, PRE16-00752).

This comment addresses only those factors relevant to the Planning Department's decision under the land use code to issue or deny a building permit. This comment does not address factors relevant to the design review guidelines. Comments regarding the design review guidelines may be separately submitted to the Design Review Board.

I. Summary of Relevant Facts

This project is in the RH8 zone. The project is not invoking the planned unit development process. Instead, it is proceeding under the normal zoning rules for RH8.

The project calls for two separate buildings surrounding a central parking lot / courtyard. One of the buildings is a one-story office building fronting 85th, the main arterial street. The other building is larger and has a more complicated shape. Most of the second building is three-story residential, forming a U-shape around the central parking lot/courtyard. However, the portion that fronts on 85th consists of a ground-level office building with a second story of residential. In addition to the three stories of residential use, there is also a below-grade parking garage beneath the residential building.

The outdoor parking lot appears to offer 26 parking spaces, of which one appears to be ADA van-accessible. Access to the parking lot is off 131st, a residential street.

The below-grade garage or garages will have entrances off 131st and 132nd, both residential streets. Site plans show 176 parking spaces in the garage, of which four appear to be ADA van accessible.

Existing structures at the site that will be removed are two small, single-story office buildings along 85th, plus four single-story, single-family homes along 131st and 132nd.

This project will be the only multi-story building on its block or on the surrounding blocks, with the exception of a two-story office building on the other side of 85th. This project will directly abut five remaining single-story, single-family homes on the north side. It will also be across 131st from a single-story office building and three single-story, single-family homes. It will also be across 132nd from several other single-family homes, also these homes are not in Kirkland and have a substantial vegetation buffer between the homes and 132nd.

There are no sidewalks on either side of 131st. There are sidewalks on both sides of all the other streets. However, the sidewalk on one side of 132nd (the project side) may be too narrow for wheelchairs and may lack at least one curb cut at the intersection with 85th.

Existing traffic along 85th is at level of service D.

There are trees present at the various properties on the project site, however, it is unknown whether they are significant trees, defined as a diameter at breast height of six inches or more. KZC 95.10.14.

According to the developer's study, the project will fully shade one of the northern houses for part of the day in the winter and will partially shade four of the northern houses for all of the day in winter. Around the equinox, the project will partially shade one of the northern houses for all of the day. During the summer, none of the neighboring houses or their yards will be shaded.

This project is subject to SEPA review, because it proposes the construction of more than 20 dwelling units, which is the SEPA threshold trigger. KMC 24.02.065.a. No SEPA review has been conducted. To our knowledge, no SEPA checklist has been prepared.

II. Land Use Code Violation: Residential Uses on Ground Floor

A. Residential Uses Are Not Allowed on the "Ground Floor."

Under KZC Chart 53.84, "stacked dwelling units" are the only residential use permitted in the RH8 zone. A stacked dwelling unit means a townhouse-like structure in which a unit shares at least one horizontal wall with another unit (and may share a vertical wall). KZC 5.05.265. The units proposed for this project are all stacked units.

However, in the RH8 zone, stacked units cannot be built on the “ground floor” of a structure. KZC Chart 53.84.

“Ground floor” mean the “floor” of a structure that is closest in elevation to the finished grade along the facade of the structure that is principally oriented to the street which provides primary access to the subject property. KZC 5.05.345.

“Floor” means the horizontal surface inside a structure designed and intended for human use and occupancy. KZC 5.05.325.

“Occupancy” is defined by the building code as the purpose for which a building, or part thereof, is used or intended to be used. KMC 21.06.025.14.

“Primary access to the subject property” is not defined.

B. Identifying a “Ground Floor.”

Under the rules above, the key element in identifying a “ground floor” is determining the street that provides the building’s “primary access.” The façade that faces this street is the façade whose floor defines the ground floor of the structure.

As a threshold question, it must be determined whether “primary access” refers to vehicle access or pedestrian access. There are several reasons to conclude that “primary access” refers to pedestrian access.

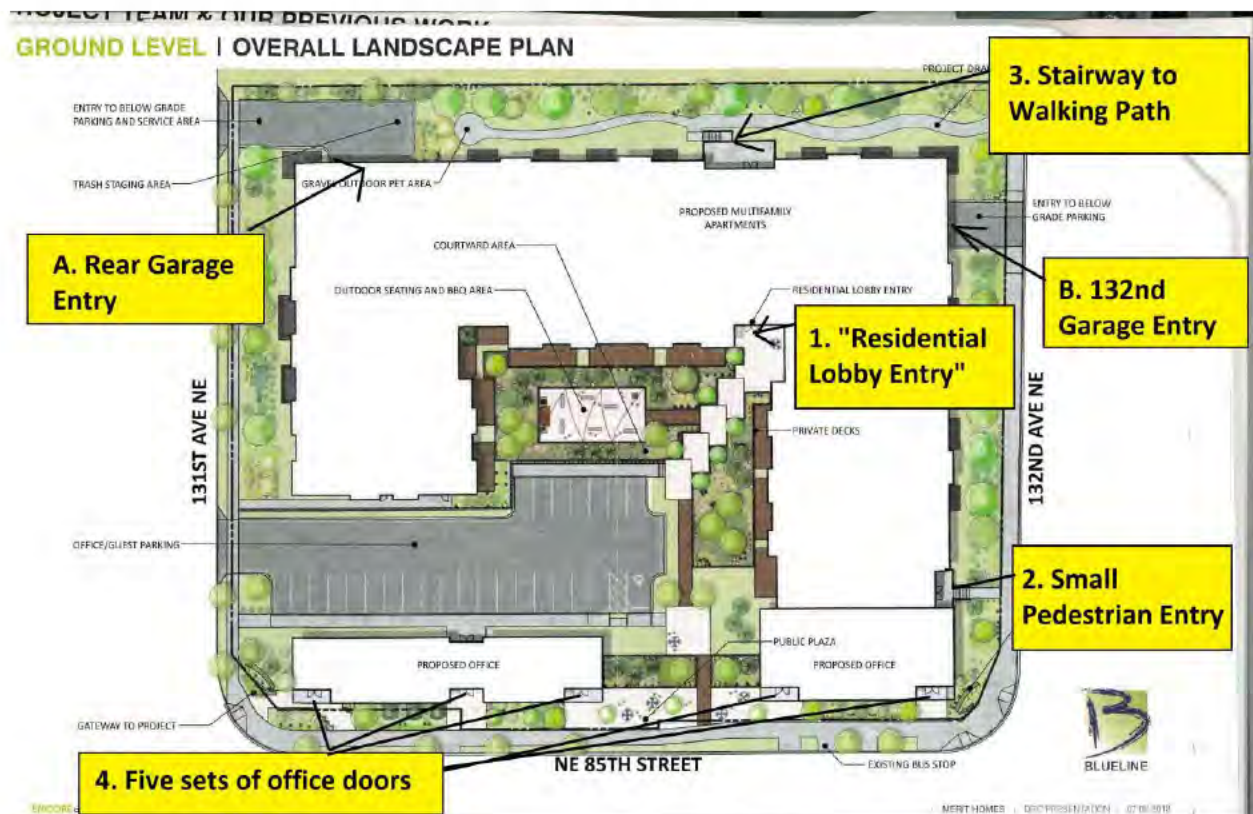
- i. Every building has a built-in pedestrian entrance, but not every building has a built-in garage. If “primary access” referred to vehicles, there would be some buildings that lacked primary access. The Code must be construed in a manner so that it has meaning in all reasonably contemplated situations. Because this code section would sometimes be impossible to apply if this term referred to vehicular access, that reading cannot be the correct one.
- ii. Even buildings that have a built-in garage sometimes have the garage behind the building, not facing a street. If “primary access” referred to vehicular access, the façade behind the building would be the primary access façade, because that is where the garage is. Construing a code should avoid implausible and absurd results. Construing the code to make the back of a building the building’s “primary access” because the garage is there is not likely reflective of the city council’s intent in adopting the “primary access” standard. This reading should be avoided.
- iii. In contrast, it is difficult to imagine a building that lacked pedestrian access to a street or whose main pedestrian access was relegated to the back or side of a building. Construing “primary access” to refer to pedestrian access avoids the

improbable and impossible to apply problems that would plague this provision if it were construed to refer to vehicular access.

- iv. The Rose Hill Design Review Guidelines state (at 15): “Office and residential developments are encouraged to locate and orient buildings towards an interior open space or courtyard, where space allows. In this scenario, **primary building entries may orient towards the open space provided there is direct visibility into the open space from the sidewalk.**” This guideline means that even if a building’s primary entrance is not directly on the sidewalk, the building’s primary entrance must be directly visible from the sidewalk. Since vehicles do not drive on the sidewalk but pedestrians walk there, this guideline indicates that it is pedestrian access that determines primary access.

For all of these reasons, it is evident the code’s reference to “primary access” refers to primary access for pedestrians.

C. Finding this Project’s Primary Pedestrian Access



This project has the following pedestrian entrances: 1) The “Residential Lobby Entry” that opens onto the interior courtyard. The elevator is also located here. 2) A small pedestrian entry that opens

onto 132nd St. 3) A stairway that leads a walking path behind the building; 4) Five sets of office entrances on 85th St.

The project also has two garage entries: A) One in the rear of the building; B) One off 132nd.

By far the largest and most important pedestrian entrance is the “Residential Lobby Entry.” Not only is it bigger than the others, it is also the only centrally located entry. It also hosts the building’s only elevator. It also complies with the Rose Hill Design Review Guideline, in which developments are encouraged to “orient buildings towards an interior open space or courtyard...In this scenario, **primary building entries may orient towards the open space provided there is direct visibility into the open space from the sidewalk.**” The Residential Lobby Entry meets all these requirements.

The Residential Lobby Entry is also the only entry that does not require stairs, except for the five office entries along 85th. Disabled pedestrians have no choice but to use the Residential Entry Lobby, unless the office entrances have a connection with the residential portion of the main building, which the plans do not show.

Presumably, the Residential Lobby will also be where the residents’ mailboxes are located, so the post office delivery person will also be using the Residential Lobby.

In light of all these factors, it seems certain that the Residential Lobby Entry is the building’s “primary access” for purposes of determining the ground floor.

D. Finding this Project’s Street-oriented Façade and Ground Floor

The Residential Lobby Entry does not open directly onto any street. However, as noted, it does open onto a central courtyard that has direct visibility onto 85th and no other street. There is also a walkway connecting the Residential Lobby Entry with 85th but no walkway connecting it with any other street.

Thus, the Residential Lobby Entry is “principally oriented” toward 85th.

Therefore, the façade of the Residential Lobby Entry is the façade that will determine the building’s ground floor.

The floor closest to grade on the façade of the Residential Lobby Entry is the floor of the Residential Lobby Entry itself—as noted, the floor of the Residential Lobby Entry requires no stairs to reach. And that grade is the same grade as 85th St.

Therefore, the ground floor at the primary entrance is the floor of the Residential Lobby Entry. This is also the ground floor of the entire residential structure.

E. Dwelling Units along the Ground Floor

The entire first story of dwelling units shares the same floor as the ground floor, namely, the floor of the Residential Lobby Entry. All of these dwelling units are unlawful in the RH-8 zone. The project cannot be permitted as designed. The ground-floor residential dwelling units must be removed.

III. Land Use Code Violation: Parking

According to plans, this project will have 8,444 s.f. of office space gross floor area. Office space must provide parking at a ratio of one parking space for every 300 gross s.f. KZC Chart 53.84. Thus, the project would need $8444/300 = 28.14$ parking spaces. However, site plans seem to show only 26 parking spaces.

In addition, under the International Building Code (adopted with amendments per KMC 21.08), a parking lot with up to 25 spaces must provide one accessible parking space, but a parking lot with 26 to 50 must provide two. IBC § 1106.1. However, the site plans seem to show only one accessible parking space in the parking lot, even though there are 26 spaces (and should be 28, as noted above).

Because of the insufficient parking, the project cannot be permitted as designed. At least two additional parking spaces must be provided and at least one additional accessible space must be provided.

Parking must also be provided for the dwelling units at a ratio of 1.2 per studio unit, 1.3 per one-bedroom unit, 1.6 per two-bedroom unit, and 1.8 per three- or more-bedroom unit. KZC Chart 53.84. Project plans call for 176 parking garage spaces for 133 residential units, however it is difficult to tell from the project plans how many units of which type will be built. Depending on the configuration of the dwelling units, additional parking may be necessary in the below-grade garage.

IV. Land Use Code Violation: Parking Lot Landscaping

Landscaping is required for the above-ground parking lot at a rate of 25 s.f. per stall. KZC 95.44.1. If the parking lot has 26 spaces as planned, this yields $26 \times 25 = 650$ s.f. of required landscaping. However, if the parking lot has the 28 spaces as required, this yield $28 \times 25 = 700$ s.f. of required landscaping.

In addition, the parking spaces must be interspersed with landscaped “islands” every eight stalls KZC 95.44.1.a.

It is unclear from plans whether the landscaping in the “open courtyard” meets the 700 s.f. requirement; it may not. What is clear is that the developer’s plans do not show the required interspersing every eight stalls.

V. Land Use Code Violation: Tree Retention

The developer must submit a tree retention plan. KZC 95.30.3. It does not appear a tree retention plan has been submitted.

If there are any high-value trees—meaning “specimen trees” (six-inch-dbh significant trees in excellent health) located within a required yard or planting buffer, or on a slope greater than 10%—these high-value trees must be preserved “to the maximum extent possible.” KZC 95.30.5 Chart. All other six-inch-dbh significant trees are to be retained if feasible, meaning they must be preserved if they do not interfere with the intended development. KZC 95.30.5 Chart. It is unknown what significant trees exist in the required yards or buffers, however, current plans do not appear to call for the retention of any existing significant trees, which could be a violation of this provision, depending on whether the existing significant trees (if any) are healthy and sit within the required yards or buffers.

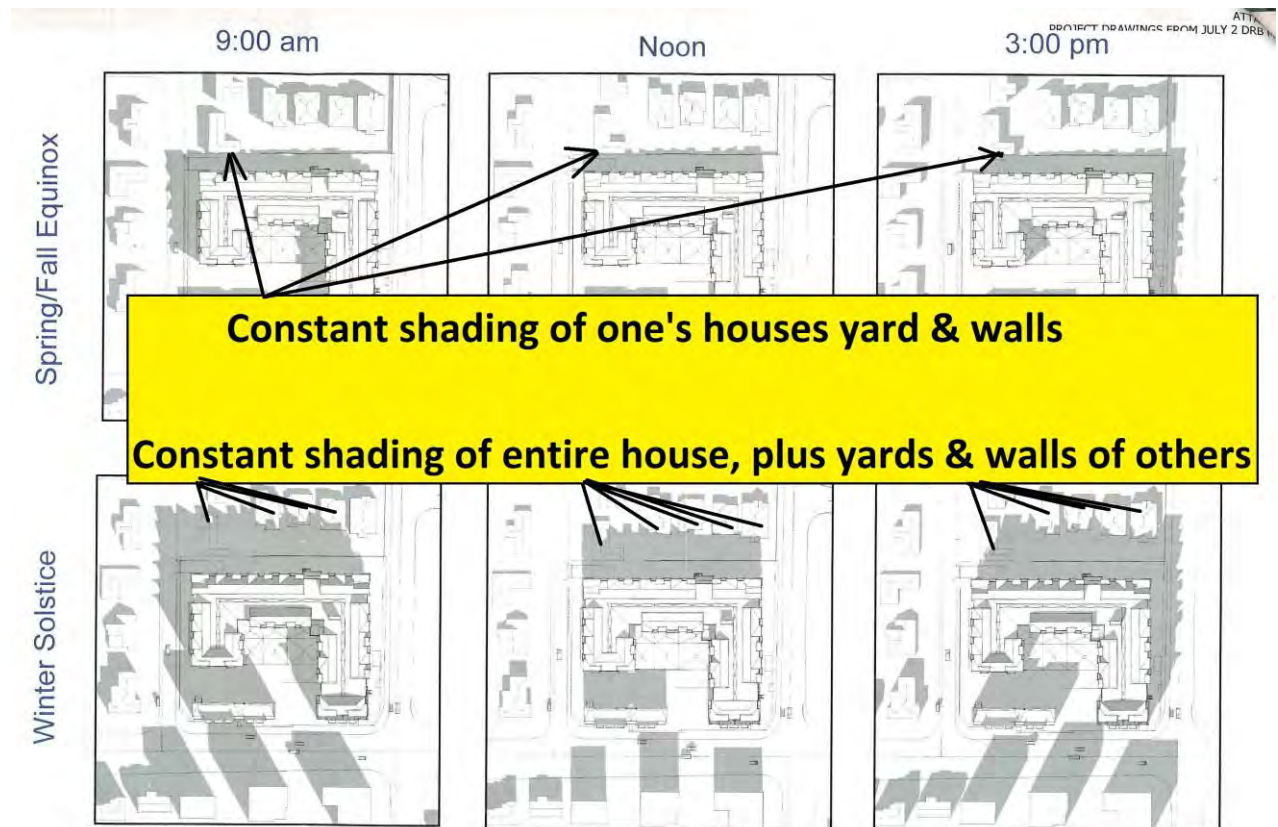
In addition to the tree retention plan, the developer must also file a tree maintenance plan aimed at preserving all retained trees and all planted trees. KZC 95.51. The developer does not appear to have filed a tree maintenance plan. This is another violation.

The developer must provide an accurate inventory of trees and a plan for retaining them. Until that happens, this project cannot be fully evaluated.

VI. SEPA Issues

This project will have significant environmental impacts on the neighboring properties and the community at large. These impacts must be assessed as part of SEPA review.

- 1) There will be severe impacts on adjacent properties to the north from shade. The total shading of one of the houses for part of the day during winter is a particularly significant impact. The partial shading of four of the houses for part of the day during winter, spring, and fall is also significant. Shading from this project will last part or all of the day for the majority of days of the year, as the drawing below illustrates:



These severe shading impacts should be mitigating during SEPA by reducing the height of the building.

- 2) The neighbors immediately to the north will have their views blocked by the looming, 35- to 40-foot-tall building. Neighbors to the west across 131st will have suffer a reduction in views. The looming nature of the building will also affect the neighbors' privacy.

The view impacts should be mitigated, again by reducing the height of the building.

- 3) The project would create a dangerous condition for pedestrians along 131st. The developer proposes a parking garage entrance and a parking lot entrance, on 131st, but currently that street has no sidewalks. Nor does the applicant propose any sidewalks for 131st, even though 131st is the street with the fewest current sidewalks and the most entering/departing traffic. Pedestrians on 131st are already exposed to traffic due to the lack of sidewalks and this exposure will now worsen.

There will also be an increase in traffic along 132nd, including another parking garage entrance that will require cars to pass over a curb cut in the sidewalks. 132nd is also a safe route to school, as designated on the City's map at Plate 46. The movement of cars over the curb cut will likely be heavy in the morning commute hours—the very time children will also be most heavily using this supposedly safe route to school.

Obviously, cars cutting across sidewalks with children is not appropriate on a “safe” route to school.

These hazards should be mitigated by reducing the overall size of the development, which will reduce the hazardous vehicle traffic. In addition, the Department should require the developer to install sidewalks along 131st, remove the parking garage entrance on 132nd (the safe route to school), and install crossing lights at all remaining parking garage and parking lot entrances.

- 4) There will be increased traffic for the residents of the 20 or so single-family houses that use 131st as their sole outlet to 85th. As noted, the bulk of the project’s entering/departing traffic would travel on 131st, which has no streetlight. Residents attempting to turn onto 85th are likely to face increased delays from the project’s traffic on 131st.

This impact should be mitigated by installing a traffic light on 131st.

- 5) There will be increased noise, especially for the houses to the north, from the roughly 200 new parking spaces and roughly 130 new residential units (although, as noted, some of these residential units are unlawful due to the ground floor issue).

These impacts should be mitigated by reducing the height of the building, which will reduce the number of units and cars.

- 6) The demolished structures on housing represent affordable housing, because they are old. The new units will be new, and will likely charge a higher rent. This will result in a decrease in affordable housing in Kirkland.

This impact should be mitigated by requiring the developer to provide additional affordable housing units.

With sufficient mitigation, it may be possible for an MDNS to be issued. But as currently proposed, the project’s impacts are significant and an EIS should be required.

CONCLUSION

This project is not lawful as designed. It also has substantial environmental impacts that should be mitigated, especially its severe shading impacts and its impact to a safe route to school. The solution for most of these violations and impacts is the same: reduce the size of the building, reduce the number of residential units, and remove the residential units from the ground floor.

Imposing these conditions would end the severe shading problem; create a much safer situation on the sidewalks for schoolchildren on 132nd and pedestrians on 131st; obviate the need for a traffic light on 131st; solve the parking deficiency; and bring the project into compliance with the code.

The primary purpose of the RH8 is to provide office space, not residential space. Likewise, the primary justification for adding RH8 along 85th is because 85th is a commercial street, not a residential street. Imposing the conditions suggested here—reducing the size of the project and deleting the ground-floor residential—would not only bring this project into compliance with the law, it would also bring this project into better compliance with the vision for this zone.

Very truly yours,

BRICKLIN & NEWMAN, LLP

A handwritten signature in black ink, appearing to read "Alex Sidles", with a long horizontal flourish extending to the right.

Alex Sidles

Attorney for the Rose Hill Community Group

cc: Stephanie Croll, Sr. Asst. City Attorney
Client

Tony Leavitt

From: Olivia A <okayall@outlook.com>
Sent: Friday, September 07, 2018 7:29 PM
To: Design Review Board; Tony Leavitt; Kurt Triplett
Subject: Public Comment on Continental Divide Project DRV18-00312

Dear Design Review Board Members,

My family lives in the house at 8402 132nd Ave NE, which is diagonally across the 85th/132nd intersection from the subject property for the Continental Divide Mixed Use project. I have serious concerns about the severe change this project could mean to our neighborhood. I request your help in mitigating the detrimental effects of this project before it is built.

The developer appears to be ignoring the feedback of the members of this board.

- During the July 2nd meeting, Senior Planner Tony Leavitt requested 7 business days before the August 6th meeting to distribute the revised design. The developer produced the revised design on the day of the meeting, leaving no time for the city, the board members, or the community to review it.
- Instead of the requested decrease of windows and balconies on the north side, the developer's plan on August 6th increased the number of windows and balconies.
- Guest and retail parking were not increased. The developer's claim that the businesses will use the spaces during the day and guests will use them only at night and weekends is a violation of the county zoning code because the code does not mention such an option (KZC 50.60.2). Please enforce all zoning codes for parking spaces, as referenced in a staff comment in the August 6th meeting packet: "The applicant must demonstrate compliance with the City's parking requirements as part of any building permit."
- Solar access for adjacent properties was not improved and inaccurate solar study visuals were presented.
- The project still includes long north and east facades.
- The proposed parking garage still includes blank walls.

Repeatedly ignoring the feedback of the Design Review Board should not be rewarded with exceptions nor approval of their design.

As a citizen, I continue to have objections to and concerns about this project, which still have not been addressed by the developer.

Violations of zoning codes and the Comprehensive Plan:

- The description of the project states it is "a four story mixed use building" however the NE 85th St Subarea Plan limits buildings to three stories by stating, "providing incentives including increased building heights up to three stories" (Policy NE85-4.8). This project cannot have four stories if the limit is three stories. If there is a conflict between zoning codes the most restrictive of these apply (KZC 170.50).
- This project includes residential units on the ground floor, but the Zone Use Chart for the zone where this project is located (RH-8) states that stacked dwelling units "may not be located on the ground floor

of a structure” (KZC 53.84 Zone RH8 Use Zone Chart .050 Stacked Dwelling Units). This violation should not be allowed and no exceptions should be granted.

- The description of the project states, “A single story commercial building will be located near NE 85th Street” however the NE 85th St Subarea Plan prohibits such buildings by stating, “Discourage single story retail buildings” (Policy NE85-4.8).

Jarring transition between houses and huge complex: If this project is approved as-is a towering wall of over 200 windows and balconies will overlook single-family homes, leaving some homes in shadow all winter. This horseshoe-shaped project has adjoining walls between residential units and commercial spaces. These both violate the city’s land use policy to “create effective transitions between commercial areas and surrounding residential neighborhoods” (Policy LU-5.1 Urban Design).

Safety: Bicyclists, joggers, and walkers could be endangered by the busy garage entrances. One of these garage entrances is next to a school bus stop and along schoolchildren's walking routes. Current neighbors on dead-end 131st and along 132nd already have trouble accessing their homes and this project adds busy driveways to both streets. The nearby megachurch traffic already requires a police officer to direct Sunday traffic at the intersection for this project. The city wants to encourage pedestrians and spending time in the gateway seating area of this project, however it is unsafe and will not be a popular place to sit and visit. The gateway design is close to the intersection and doesn’t include pedestrian protection from the passing vehicles, which endangers any children who are in the gateway area. This is not a destination for a leisurely cup of coffee and chatting with friends because it’s too close to the road, vehicles race by, semis loudly switch gears at the crest of the hill, and you will be breathing exhaust.

Less parking than required: The developer claims their parking spaces will be used by businesses during the day and as guest parking at night, however dual use parking spaces are not allowed by code (KZC 50.60.2). Surrounding streets have almost no street parking and new fire hydrants required because of this project mean even less parking. More parked cars on narrow 131st means less emergency access.

Family atmosphere: I am concerned about the family-oriented neighborhood we have now changing into big apartment complexes with studio apartments. New residents in this project will find themselves in an area with minimal bus service, very few businesses catering to them, and a steep hill bordered by forested ravines. The pedestrians in our neighborhood tend to be neighbors walking their dogs, retirees on a walk, commuters taking the bus to Redmond, and children going to and from school. I'm concerned that the young people attracted to this complex are not going to find the convenient amenities they want and 134 units of new people will change the character of our residential area.

Garbage collection: The dumpster for entire building is collected next to a neighbor's one-story home. When the garbage truck backs up into the driveway for collection, it will block access to one of only two entrances for the whole apartment complex. That seems inconvenient and even dangerous for that many people to be down to one entrance.

No moving truck loading zone: Studio apartments are for young people whose lives are ever-changing. This project has no loading zone for a moving truck. Just as with garbage collection, if a moving truck blocks either driveway, residents are down to one way in or out. If moving trucks choose to stop on 132nd, they will be impacting an already clogged intersection. If the moving truck parks on 131st, it will impact a dead-end street already overwhelmed by nearby businesses using their street to park.

No play area or open spaces for children: Children who live in this apartment complex will have no options for playing outside. The nearest public park is a 13-minute 0.7 mile walk almost entirely along busy 85th Street. The current proposal for this apartment complex doesn't include any playground equipment or even an open grassy area for children. The center courtyard will be a parking lot, which cannot be safe a play area.

Businesses that the community will frequent: With just 7% of the square footage for businesses, this project can just barely be considered mixed use. The developer's plan is to use the retail space for their own corporate office and a property management company, leaving one space for a business that the community may actually use.

Quality of life: In the city's FAQ document about this project, in response to our concerns about our quality of life, the city replied, "The City does not have a metric for quality of life." The developer has no incentive to preserve our quality of life and city officials say there is no metric for it. My neighbors and I are on the cusp of losing the quality of life in our neighborhood. It will come in the form of towering walls of windows, noisy apartments, busy driveways choking gridlocked intersections, loss of solar access all winter, children with nowhere to play, moving trucks and garbage trucks blocking roads, and so many people crammed into a once-quiet neighborhood. All of this on streets lined with modest houses and homeowners who were not given the chance to prevent it.

I am seeking the following solutions and intervention on the Design Review Board's part:

- The design for this development should not be approved. The development needs to decrease the size to three stories and replace residential units with retail on the ground floor, per the zoning code and Comprehensive Plan. Additional guest and retail parking spaces should be added.
- Upcoming Design Review Board meetings should be cancelled until:
 - The developer proves this development complies with zoning codes and the Comprehensive Plan.
 - The developer shows respect for the Design Review process.
 - The developer demonstrates a willingness to respond to requests from board members and city staff.
 - The developer makes concessions to address the concerns of the neighborhood of which this project wants to be a part.
- If the developer does not provide a revised plan within the 7 business days requested by the city, the corresponding Design Review Board meeting should be cancelled and rescheduled for no less than 30 days in the future. This will allow community members time to be informed about the new meeting.

Please do not set a precedent by allowing this huge, out-of-place development in our neighborhood that clearly conflicts with Kirkland's zoning codes and Comprehensive Plan. Please do what is in the power of the Design Review Board to help our neighborhood keep its current family atmosphere, the traffic flow of those passing through, the safety of our children, and our quality of life. We are counting on you to hear us and make the vital changes necessary before the Continental Divide project is built.

Sincerely,
Olivia Ahna
8402 132nd Ave NE

Tony Leavitt

From: Brian Eckert
Sent: Friday, August 10, 2018 9:16 AM
To: Tony Leavitt
Subject: FW: "huge" apartment complex on 85th @ 132nd

FYI – DRV18-00312, Continental Divide

Brian Eckert | Assistant Planner
Planning & Building Department
City of Kirkland
p: 425.587.3258

Planning Counter hours: 8:00 am – 5:00 pm Monday-Friday; 10:30 am – 5:00 pm Wednesdays only. Located in City Hall at 123 Fifth Avenue, Kirkland, WA 98033.

From: Rex Rempel [mailto:rexr.msw@gmail.com]
Sent: Friday, August 10, 2018 9:03 AM
To: PlanningInfo; Amy Walen; Jay Arnold; Tom Neir; Penny Sweet; Toby Nixon; Dave Asher; Jon Pascal
Subject: "huge" apartment complex on 85th @ 132nd

Good morning,

On my commute I see signs at this corner, warning us of an impending 134 apartment complex. Good. We need more housing in Kirkland. More housing will lead to more affordable housing, if we have enough of it. Blocking such construction is merely self-serving for those who already have homes and can afford to live here.

We need to take care of our people, which includes offering them places to live.

Besides, building upwards (in so far as 4 stories is up) prevents urban sprawl, and protects the livability of our area.

And this location is on transportation routes, within walking distance of grocery stores and schools. In other words, perfect to reduce the number of vehicles.

Please support this project. I have no stake in the matter, other than what's good for Kirkland.

Thank you.
Rex Rempel
(living and working in Kirkland)

Rex Rempel, LICSW
Social worker, educator, licensed supervisor and consultant
RexR.MSW@gmail.com
(206) 639-5625

Tony Leavitt

From: Joan Lieberman-Brill
Sent: Monday, August 27, 2018 11:37 AM
To: 'Regina Ball'
Cc: Tony Leavitt
Subject: RE: Subject: Continental Divide Planned Apartment on 8thSt and 132nd Avelso

Hello,

My husband, daughter and I am writing to express my concern regarding the negative impact the Continental Divide project will have on traffic flow at 85th St. and 132nd Ave. Rush-hour back-ups already extend for more than a mile. The intersection is very tight and does not adequately accommodate turning traffic. Also, a 3 – 4 story apartment complex is incongruous with the residential nature of North Rose Hill. This is not the best space for a project of this size in the neighborhood.

I would like us to be listed as persons of record by expressing my concerns regarding this project.

Cheers Regina and Steve and Sofie Ball
13238 ne 97th st
Redmond WA 98052

(206) 790-4125
www.reginaball.com

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August 22, 2018

Re: Continental Divide Mixed Use Project
85th and 132/131 Avenues NW.

To All Concerned at: Kirkland City Mayor's Office, Kirkland City Council, Kirkland Transportation,
Kirkland Planning and Kirkland Design Review Board

Once again, I am writing to everyone, to express my concern and opposition to the current plans to develop the above referenced property as presented. I was able to attend the July 2nd meeting but due to my extensive business travel out of country, makes it difficult for me to be present at each and every meeting.

As we all know, development is encouraged in our growing community. We do need well planned projects and infrastructure. However, it now appears that growth is now impacting the quality of lives in many smaller communities. It has come to my attention that even the Seattle Times in editorial and the business sections, are raising these concerns that neighborhoods once having the charm and livability, are now turning into mega projects of glass, lower standard exteriors, design and intense density.

In the North Rose Hill area that includes residents in both the City of Kirkland and the City of Redmond, these structure types are better suited to the proximity of 85th and I405 and both downtown areas – NOT at the corner of primarily single-family homes and a less-dense population base. The Continental Divide Mixed Use Project, as currently planned, will have serious impact to this corridor between the above-mentioned quadrants.

- Although retail/office on 85th makes sense and designed similar to other nearby structures, the addition of 134 residential units will seriously impact an already dismal traffic problem.
- The zoning code only describes for retail/commercial on the first floor and this project has residential also on the first floor. Not to code and increases density and congestion. It is a departure from Kirkland Zoning Code without following the appropriate process.
- Although I live in The Pointe and do not have solar impact, I stand with the property owners who have invested in the purchase of their homes and those who have or wish to solarize them. It has been an effort, made by the City of Kirkland to encourage homeowners to make sizable investments going to solar.
- The site impact is also in question by many in the community. Setbacks, green space, privacy issues, appropriate number of parking spaces, garbage collection and access are all in need of a redesign and reduction of the number of residential units.
- For residents in The Pointe, it is currently a traffic hazard to exit our PUD and will only get worse unless proper studies and density reduction is addressed. A right-hand turn lane southbound and on to 85th is needed.

In addition to the above stated, there were many questions left unanswered and still of concern in a letter dated July 18, 2018 to the City of Kirkland. I sent it via email with a hard copy hand-delivered to City Hall.

I urge the City of Kirkland to consider all impacts and concerns by the Rose Hill Community and keep our neighborhood, on both sides of the Continental Divide, a desirable and safe place to live.

Sincerely,

Michele Westmorland

Michele Westmorland
The Pointe
8612 – 133rd Avenue NE
Redmond, WA 98052

Objections to CONTINENTAL DIVIDE MIXED USE – DRV18-00312 and ROSE HILL NEIGHBORHOOD PLAN DRAFT (7-17-18)

Prepared for: Kirkland City Council Planning Commission
planningcommissioners@kirklandwa.gov,
Sandeep Singhal - Chair ssinghal@kirklandwa.gov
Tony Leavitt - tleavitt@kirklandwa.gov
Prepared by: Marie Fromm
August 21, 2018

COMMENTS ON THE CONTINENTAL DIVIDE MIXED USE – DRV18-00312 AND ROSE HILL NEIGHBORHOOD PLAN DRAFT (7-17-18)

introduction

We recently became aware of these proposals that has significant impact on our home, located at 12861 NE 88th St, Kirkland, WA.

Issues

The North Rose Hill Street Connection Plan Map in the “ROSE HILL NEIGHBORHOOD PLAN DRAFT (7-17-18)” lists connecting a number of streets to support the CONTINENTAL DIVIDE MIXED USE – DRV18-00312 project, which adds 133 high density units to a residential neighborhood. Note Page 16 of the plan draft. Of particular concern is the 130TH Ave NE between NE 87th ST and NE 94th ST connector.

Staff Note: *Staff will update the map and list to reflect completion status.*

Table NRH-1: North Rose Hill Street Connection Plan Description List

1. NE 108th ST between Slater Ave NE and 123rd Ave NE
2. Portions of NE 105th PI between 129th Ave NE and 132nd Ave NE
3. NE 103rd PI between 132nd Ave NE and existing cul de sac end
4. NE 101ST P. between 131st PI and 132nd Ave NE
5. 125TH Ave NE between NE 94th ST and NE 95th ST
6. 130TH Ave NE between NE 87th ST and NE 94th ST
7. NE 91ST ST between 130th Ave NE and 132nd Ave NE
8. Portions of NE 90th ST between 128th Ave NE and 132nd Ave NE

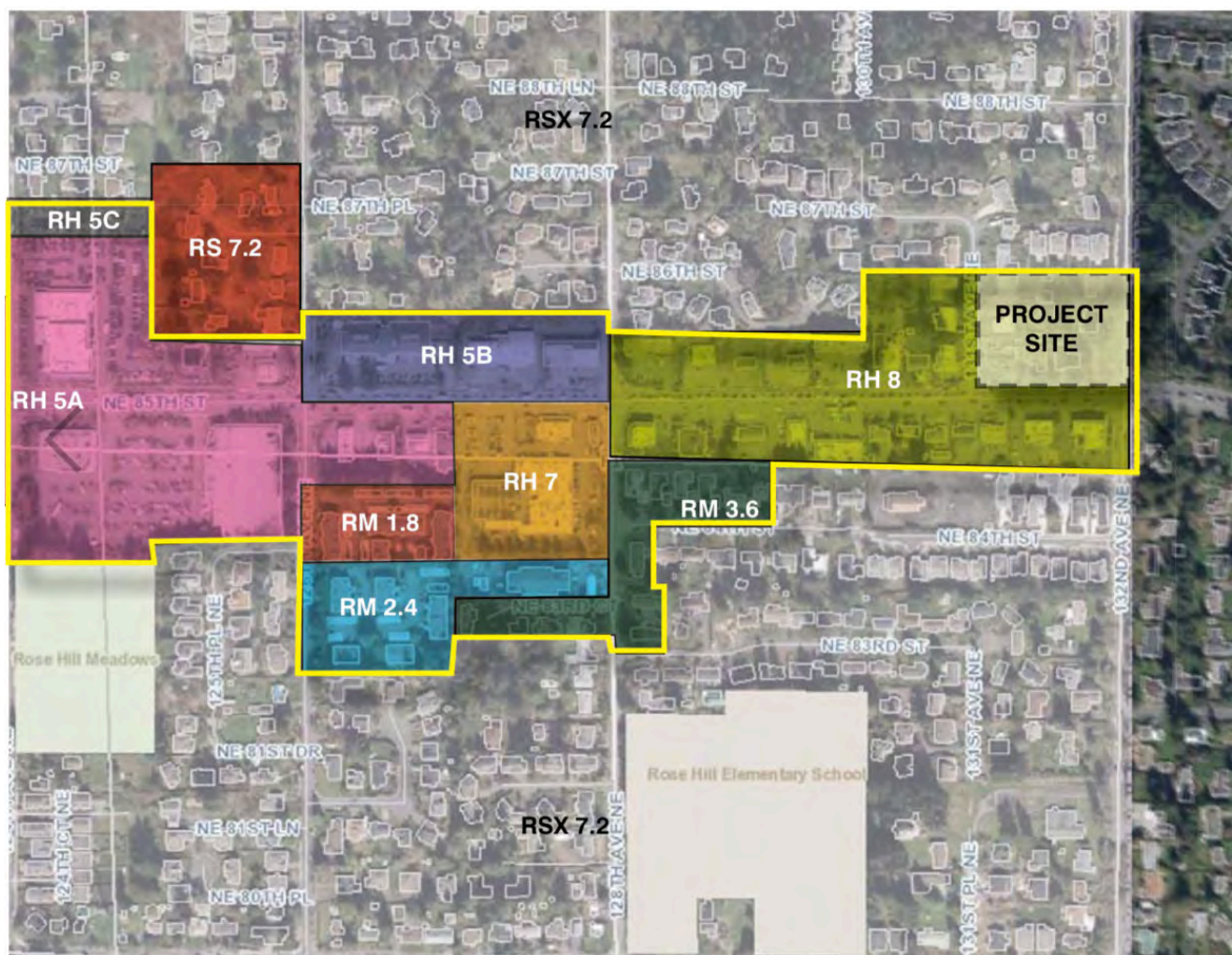
MARIE FROMM AND CONNIE ERONSON

12861 NE 88TH ST, KIRKLAND, WA

This development, with the significant traffic will add to an already over congested NE 85th Street and 132nd Ave would have a profound negative effect on the homeowners in the area, including Marie Fromm and Connie Eronson, homeowners of 12861 NE 88th St, Kirkland, WA. Our home is the yellow area indicated on the official King County GIS survey maps reproduced below.



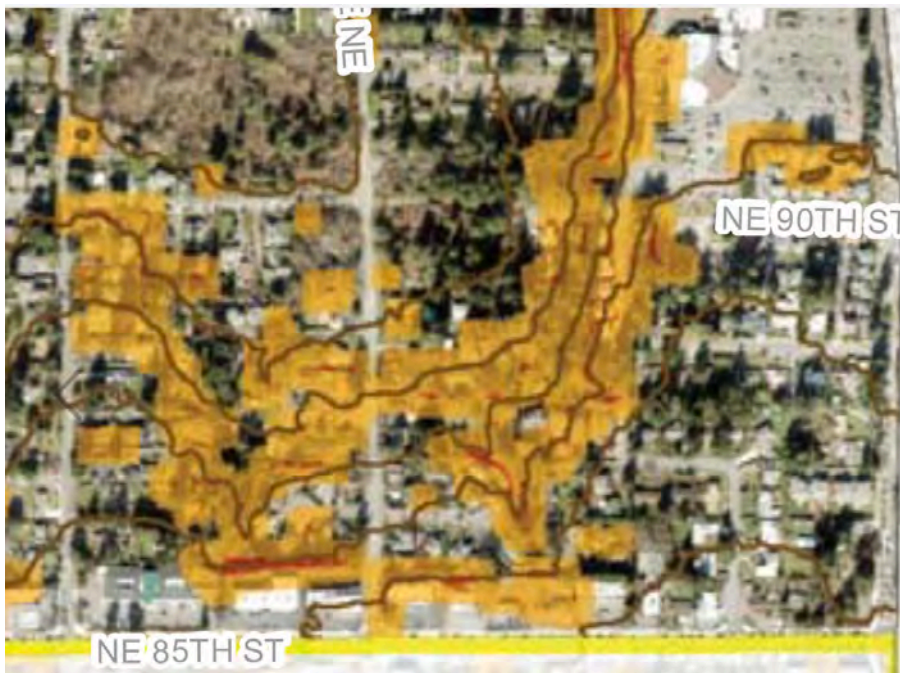
The zoning maps list our home as zones RSX 7.2. Pursuing the Continental Divide project and the most recent street connection plan adding connection #6: 130TH Ave NE between NE 87th ST and NE 94th ST will burden the homeowners in the RSX 7.2 zoned area with enormous additional traffic attempting to bypass the severely congested 124th, 128th and 132nd Ave, which would produce idling exhaust fumes and increased danger to children and pedestrians on workday commute times and Sundays when the City Church draws hundreds of cars to the area. This is an unreasonable intrusion in a quiet neighborhood that today only services local traffic and has connecting trails used by pedestrians and bicycles.



In the most recent Kirkland Liquefaction / Mudslide potential maps (2018 City Initiated Comprehensive Plan Amendments, File Number CAM18-00363) the development of creating a connecting roadway at 130TH Ave NE between NE 87th ST and NE 94th ST will increase require removal of all major trees and increase the 30 degree grade of our property. Increasing steepness in a wetland drainage area dramatically increase the risk of a slide on our property. This action would effectively change our property designation from “moderate” landslide risk to “high” landslide risk. This will also increase the danger of a slide and damage to the home of our closest downhill neighbor, located at 12923 NE 88th St, as well as the other homeowners further down the hill.

See <https://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Planning+Commission/2018+City+Initiated+Comprehensive+Plan+Amendments+PC+08232018+Packet+WEB+->

[+CAM18-00363_Part3.pdf](#) p45



The street drains for 87th Street NE drain out onto our property, to the south of our home, and our property was recently designated a critical wetland drainage area. Building the 130th Av NE connector would increase the grade and water draining onto our property and onto the home downhill, 12923 NE 88th St, leading to additional flooding and mudslide potential. Building a road on a wetland is contrary to Resolution 2017-2: Chapter 90 KZC Amendments (Critical Area Ordinance/Wetlands, Streams, Fish and Wildlife Conservation Areas, Minor Lakes and Frequently Flooded Areas) and related minor code amendments (CAM15-01832) <https://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Houghton+Community+Council/Chapter+90+HCC+Meeting+Packet+01262017+-+CAM15-01832.pdf>

Kirkland's Tree study report; "Internship Project Findings Related to Tree Code Efficacy, Kirkland Zoning Code Chapter 95, File Number CAM18-00408" <https://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Planning+Commission/Tree+Research+Presentation+Staff+Report+with+Attachments+08092018+PC+Meeting+WEB.pdf> finds that tree code loopholes are consistently being exploited, contrary to the stated goal of enhancing Kirkland's urban forest to achieve an overall healthy, sustainable 40 percent tree canopy cover citywide over time. Much of the area surrounding our home to the North and South have been developed, and developers have exploited the current lax Kirkland tree canopy regulation and have eliminated almost all 100% major tree cover of the neighborhood in those developed areas. The developer to the South of our property "accidentally" damaged then removed the major trees that were required to be retained on the developed property, and the developer subsequently replanted Arborvitae to meet replacement requirements but never watered them, letting them die. I have enclosed a picture adjacent to our property where the 130th Av NE connector would be built to connect 130TH Ave NE between NE 87th ST and NE 94th ST. Constructing this connector roadway would require removal of all of the major trees to the east of our home, the loss of which would eliminate wind buffer and lead to the loss of all of the major trees on our property. The construction of the roadway and loss of these trees and root systems would greatly increase soil erosion and mudslide potential on our property, and all the properties below us.



Solution

For these reasons we object to both the CONTINENTAL DIVIDE MIXED USE – DRV18-00312 project and the street connection plan supporting this project in the “ROSE HILL NEIGHBORHOOD PLAN DRAFT (7-17-18)” which details connector #6: 130TH Ave NE between NE 87th ST and NE 94th ST.

Signed: Marie Fromm and Connie Eronson

12861 NE 88th St, Kirkland, WA

Tony Leavitt

From: H. Goertz <hgg@outlook.com>
Sent: Tuesday, August 21, 2018 3:10 PM
To: Tony Leavitt; Joan Lieberman-Brill
Subject: RE: Continental Divide Planned Apartment on 8thSt and 132nd Avelso

I share these concerns and would like to be added to the interested parties mail list for the Rose Hill, Bridle Trails Plan and NE 85th Street Subarea update project.

Thank you

Hans Goertz
13025 NE 100th St.
Kirkland, WA 98033

From: Margi Goertz <margig@outlook.com>
Sent: Monday, August 20, 2018 10:07 PM
To: tleavitt@kirklandwa.gov; jbrill@kirklandwa.gov
Cc: Hans Goertz <hansgo@microsoft.com>
Subject: Continental Divide Planned Apartment on 8thSt and 132nd Avelso

I am writing to express my concern regarding the negative impact the Continental Divide project will have on traffic flow at 85th St. and 132nd Ave. Rush-hour back-ups already extend for more than a mile. The intersection is very tight and does not adequately accommodate turning traffic. Also, a 3 – 4 story apartment complex is incongruous with the residential nature of North Rose Hill.

I would like to be listed as a person of record by expressing my concerns regarding this project.

Margaret Goertz
13025 NE 100th St.
Kirkland, WA 98033
425 830 5142

Tony Leavitt

From: Margi Goertz <margig@outlook.com>
Sent: Monday, August 20, 2018 10:07 PM
To: Tony Leavitt; Joan Lieberman-Brill
Cc: Hans Goertz
Subject: Continental Divide Planned Apartment on 8thSt and 132nd Avelso

I am writing to express my concern regarding the negative impact the Continental Divide project will have on traffic flow at 85th St. and 132nd Ave. Rush-hour back-ups already extend for more than a mile. The intersection is very tight and does not adequately accommodate turning traffic. Also, a 3 – 4 story apartment complex is incongruous with the residential nature of North Rose Hill.

I would like to be listed as a person of record by expressing my concerns regarding this project.

Margaret Goertz
13025 NE 100th St.
Kirkland, WA 98033
425 830 5142

Tony Leavitt

From: Roger Wright <wright.roger15@gmail.com>
Sent: Monday, August 20, 2018 2:43 PM
To: Tony Leavitt
Subject: Re: Continental Divide Traffic Study Question

Thank you Tony. I trust that you will ensure the project will follow the code to the letter.

That being said, I was reading the Minutes from the July 2, 2018 DRB meeting and noticed another code that the current Continental Divide Plan is in violation of, and it is quite significant and I believe should be addressed sooner rather than later. Section VI) A) states the following:

"Permitted Uses: Retail, office, and residential (stacked dwelling units) are allowed in this zone. Residential may not be located on the ground floor of a structure.

Staff Comment: The applicant is proposing ground floor commercial space along NE 85 th Street and stacked residential units behind. Staff is working on a zoning code interpretation that would allow a residential use and associated parking on the ground floor along 131 st Avenue NE and 132 nd Avenue NE based on the fact these street are residential in nature and do not support retail."

It is good that the Staff recognizes the elevation of 85th as "ground level," as that is the definition of it in the KZC. However, this project should not be allowed to have residential at that level, and it currently does. I realize the comment states that the staff is working on finding an exception to this rule, but I, along with all of my neighbors in the area (particularly along 131st st), would beg you to not make an exception on this point for the project. I know you do not have to legally do this, but if you were to take a poll of all of the neighbors in the area as to whether they would prefer residential vs. commercial on the entire ground floor, you will find overwhelming support for commercial.

So the question I pose is, will you stick to the code as it is written which will make all of the neighbors (all tax paying Kirkland residents) happy, or make yet another zoning amendment for a well off developer trying to maximize his profits on the project?

Thank you for your time,
Roger

On Thu, Jul 19, 2018 at 2:07 PM, Tony Leavitt <TLeavitt@kirklandwa.gov> wrote:

Roger,

The City will review the parking requirements as part of the building permit and ensure that the project meets the City's requirements for parking. I will point out the error in the report to the engineer and have him address. Parking is not an appealable item as it's a code requirement.

In regards to parking garage access, if the put any guest parking in the garage it will need to be accessible to all guests. Public Works Staff will review a final design as part of the building permit.

Thanks.

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
tleavitt@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: Roger Wright [mailto:wright.roger15@gmail.com]
Sent: Thursday, July 19, 2018 2:01 PM
To: Tony Leavitt
Subject: Continental Divide Traffic Study Question

Hi Tony,

I just reviewed the Traffic Study for the Continental Divide project and I have a few questions I was hoping you could answer, or you could point me in the right direction. First off, unlike most of my emotional neighbors, I am supportive of the project, however, I do want to ensure traffic/parking has as minimal impact as possible.

1) In the study (attached), section 7.1, it states that the Total Required Parking is 193 and the project will have 201 stalls. However, when you add up the amounts to get to the 193, the math is wrong and the total required is actually 210, which exceeds the planned parking. (168 Resident + 17 Guest + 25 Office = 210). Therefore, I would like to file an appeal. How do I go about doing that? Also, I noticed in section 5.74.070 of the Kirkland Municipal Code that there is no Fee Amount for Code Enforcement Hearings. Would this fall into that category?

2) In the design review meeting, the architect of the Project stated that the Garage parking would be gated and only accessed by residential tenants. In the Traffic Study, they included these parking stalls

for the Residential and Guest Parking. From the cities perspective, can you have "Guest Parking" in a closed off garage? If that is the case, then I am okay with the decision - however, from a practical matter, I do not see how guests will be able to access the garage.

Thank you in advance for your time,

Roger Wright

425-220-9304

[Preview attachment Traffic Study.pdf](#)



[Traffic Study.pdf](#)

[4.1 MB](#)

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Tony Leavitt

From: Dan Xu <xudanusa12345@gmail.com>
Sent: Friday, August 10, 2018 7:13 PM
To: Tony Leavitt
Subject: Permit No. DRV18-00312

Hello Tony,

We are the owners of 8539 132nd Ave NE. We have emailed you last month regarding to the **Permit No. DRV18-00312**.

We have joined the DRB meeting, and worried about privacy and daylight issues. However, the developer only increased the distance between building and our property from 15 foot to 34 foot. They did not give response about suggestions regarding decreasing the height of the building, deleting the balconies, decreasing the amount and size of windows, etc.

Even though they increase the distance to 34 foot, such huge building will totally change the current low density, natural and quiet living condition. In addition, it will severely impact our day lighting. The most important thing is we are going to lose our privacy. Our life will be exposed to so many people. Even though, there are some trees between the building and our property, it will not change anything. We will not feel safe anymore.

We did not know the existence of **Permit No. DRV18-00312** when we purchased this house. We regret to purchase this house after knowing **Permit No. DRV18-00312** recently. This permit has given us a lot of psychological stress. Hence, we have to write this letter in order to express our strong disagreement about **Permit No. DRV18-00312**. We hope you can understand our feelings and positions. Thanks!

Best regards,

Guangchang Xu & Dan Xu
8539 132nd Ave NE
Kirkland, WA 98033
Email: xudanusa12345@gmail.com

Tony Leavitt

From: Jeremy McMahan
Sent: Wednesday, August 15, 2018 2:30 PM
To: Tony Leavitt
Subject: FW: Stop the Continental divide project.

-----Original Message-----

From: Stephanie Croll
Sent: Wednesday, August 15, 2018 12:53 PM
To: Adam Weinstein; Jeremy McMahan
Subject: FW: Stop the Continental divide project.

FYI

Thank you,
Stephanie Croll
Sr. Assistant City Attorney
City of Kirkland

-----Original Message-----

From: Mike Sandberg [mailto:mike587@comcast.net]
Sent: Wednesday, August 15, 2018 12:51 PM
To: Stephanie Croll
Subject: Stop the Continental divide project.

Hi Stephanie my name is Mike Sandberg I am a property owner in the city of Kirkland Washington .

I would like to voice my concerns of the continental divide project and the massive traffic jam implications that will stem from it's being built. Beyond the traffic concerns there is a laundry list of reasons that this project should not go forth as it is currently proposed.

The current plan is far from the original plan of a two-story complex with retail commercial shops occupying the entire the first floor. This was a bait and switch by the developer.

There is no access to 131st St. that will not cause a huge traffic problem by the residence that already live there.

There is no loading zone in their plans to facilitate moving trucks for the residence of the apartments that they propose to build.

I could go on and on and on but I will cut this short and just say that I am adamantly against this development as it is proposed to the city at this time.

Sincerely, Mike Sandberg

Mike
Sent from my iPhone

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Tony Leavitt

From: Erik Carlson <erik.carlson86@gmail.com>
Sent: Tuesday, August 14, 2018 4:50 PM
To: Tony Leavitt
Subject: Proposed Rose Hill Neighborhood Changes at 85th and 132nd

Hello Tony,

My name is Erik Carlson, I live in the Rose Hill area and I want to reach out to you in regard to the proposed NE 85th St Neighborhood Plans as myself and my neighborhood will be significantly affected.

There are plans to build a large scale apartment complex on the corner of NE 85th and 132nd, on the formally 'City Church' and now 'Churchome' side. This alone will provide a significant load to the community of Kirkland as there is no traffic congestion support for this already highly used intersection. The traffic currently requires an officer directing it every Sunday due to those attending 'Churchome' services. This would add hundreds of vehicles requiring turn in and out of at one of the busiest intersections on Rose Hill.

To ease this, the proposal outlines modifications to the residential streets to connect NE 87th to NE 88th, and NE 90th, on all three directions. This would create a single residential road off of 85th to go directly to the 'Churchome' parking lot. Creating an extremely high traffic route through residential streets, some only allowing for a single lane due to property ownership. The impact that this would have on the community is only negative. Streets that have always been known in the neighborhood to be safe for kids to play in due to the lack of through traffic would be completely gone.

I live on NE 88th St and the proposed through street runs directly in front of my door. The forest vegetation in our area that used to be everywhere has been largely cleared due to house expansions. There are very small pockets of actual trees left. The street that they want to put in front of our door will remove one of those entirely.

Please take an interest in this development and see the effects that it will have on the community that currently lives there. I am welcome to Kirkland expanding but it should be to grow our community, it should not be this invasive. I feel that this will hurt Kirkland and I hope that you do too. I look forward to participating in our system by being there for every meeting to share my voice with the rest of the community.

Thank you so much for taking the time and consideration with reading this.

Sincerely,
Erik Carlson
425 281 6046

Tony Leavitt

From: Joan Lieberman-Brill
Sent: Tuesday, August 14, 2018 8:54 AM
To: 'Comcast'
Cc: Tony Leavitt
Subject: RE: 132nd & 85th st.

Hi Mike,

I believe you are referring to the Continental Divide project on the north west corner of 132nd Avenue NE and NE 85th Street. I'm forwarding this comment to Tony Leavitt, the planner handling that project.

If instead you are interested in the Neighborhood Plan update process currently being undertaken for the 85th Street Subarea, in which this project is located, along with the North Rose Hill, South Rose Hill and Bridle Trails Neighborhoods, I encourage you follow this [link](#) to find out more information and sign up to be a subscriber to the project listserve to receive updates on the project.

Sincerely,

Joan Lieberman-Brill, AICP
Senior Planner
Kirkland Planning & Building Department
425-587-3254
jbrill@kirklandwa.gov
Mon – Thus

-----Original Message-----

From: Comcast [mailto:mike587@comcast.net]
Sent: Monday, August 13, 2018 10:03 PM
To: Joan Lieberman-Brill
Subject: 132nd & 85th st.

Please do not rezone this area for the overbearing obnoxious apt building that is proposed to be built there. I know it will overload this already crowded intersection.

Regards, Mike Sandberg.

Sent from my iPad

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Tony Leavitt

From: Lani Riday <laniriday@gmail.com>
Sent: Monday, August 13, 2018 1:39 PM
To: Tony Leavitt
Subject: Giant apartment complex/traffic

Mr. Leavitt,

I live on NE 88th Street, and a neighbor informed me that there were plans to run a road through the “school trail” in order to accommodate additional traffic.

The apartment complex itself I wish would not be built. The traffic and possible parking issues are even more concerning to me. Having another road appear out of the forest has me extremely upset. We’ve lived here over 30 years and picked this street for its dead-end status.

Please re-think this whole mess. I have a neighbor who lives next to the trail, who has lived here since 1956; I’m afraid news of this possible road truly might kill him.

Know that neighbors are extremely unhappy about this project.

Lani Riday
Laniriday@gmail.com

Tony Leavitt

From: Junyan Lin <junyan_lin@hotmail.com>
Sent: Monday, August 06, 2018 2:44 PM
To: Tony Leavitt
Subject: DRV18-00312

Hello Tony,

I'm writing to raise my concern over the privacy protection issues with DRV18-00312.

Rose hill design guidelines

(<https://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Rose+Hill+Design+Guidelines.pdf>) clearly stated that

5.d. Site and orient multi-story buildings to minimize impacts to adjacent single family residents. For example, if a multistory building is located near a single family property, provide landscaping elements and/or minimize windows and openings to protect the privacy of adjacent homes. Another consideration is to increase upper level building setbacks.

However, the current design of the continental divide project doesn't meet the requirements. While I appreciated builder's effort to put in a 30 ft landscape buffer and reduce number of balconies, I don't believe current design enough to protect the privacy. Below is the "North context elevation" picture provided by the builder (page 66 of

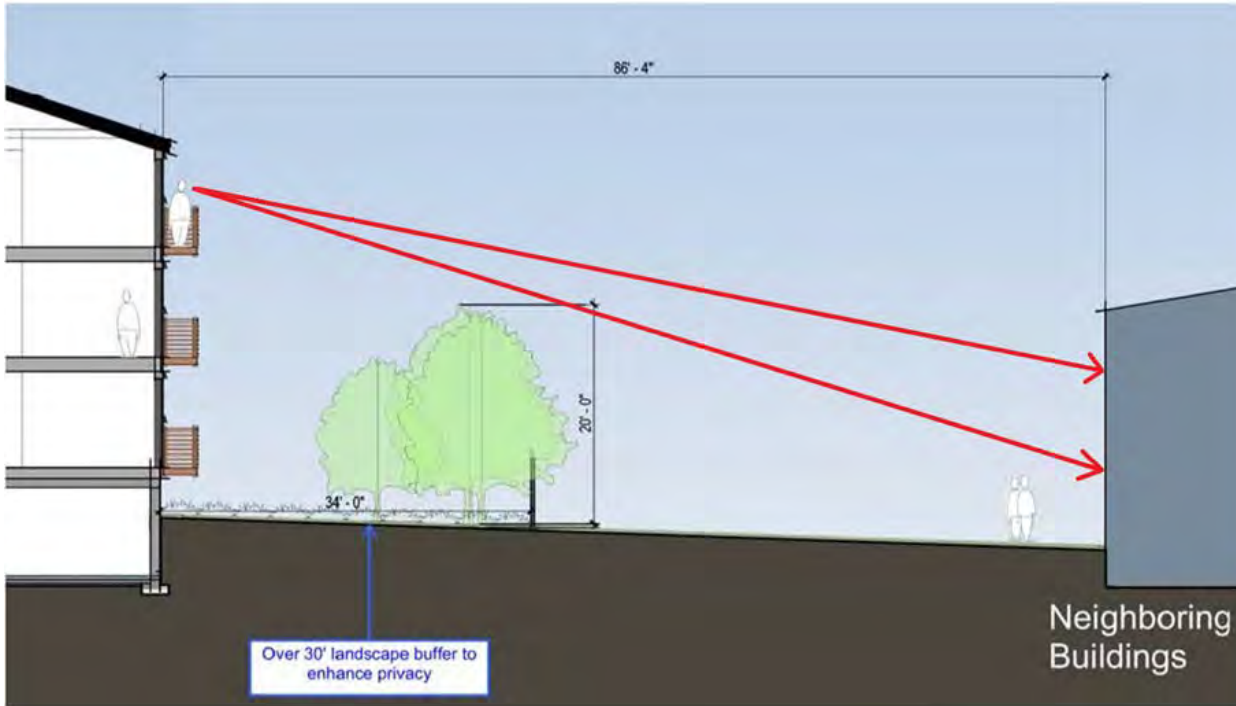
<https://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Design+Review+Board/Continental+Divide+DRB+Meeting+Packet+08062018+-+DRV18-00312.pdf>). There are still good amount of windows AND balconies directly facing adjacent homes.



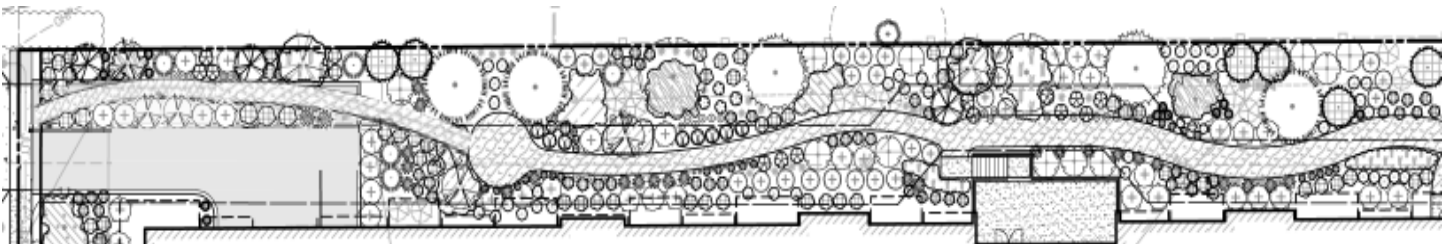
And in terms of landscape buffer, there are several issues:

- Below is the "landscape buffer" picture provided by the builder (page 68 of <https://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Design+Review+Board/Continental+Divide+DRB+Meeting+Packet+08062018+-+DRV18-00312.pdf>). Even with 20 ft tall tree, the top level

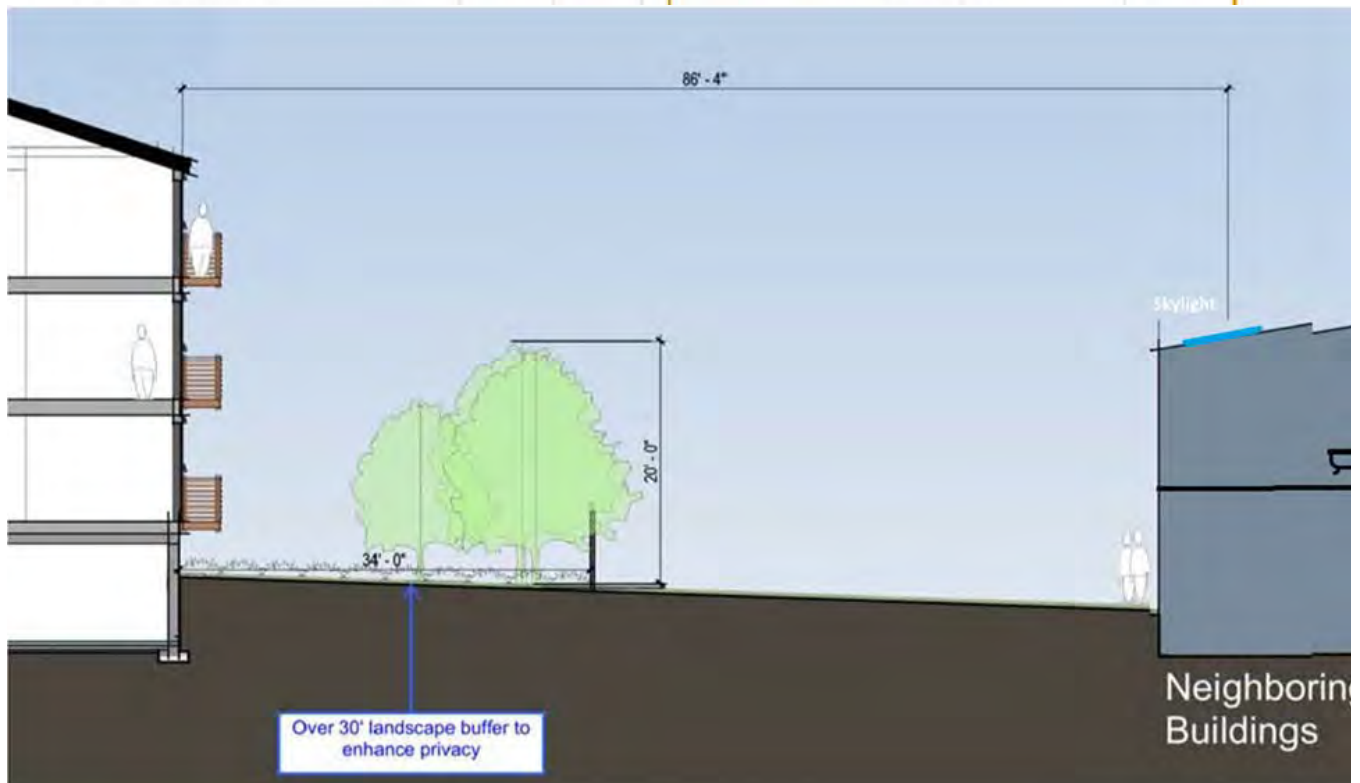
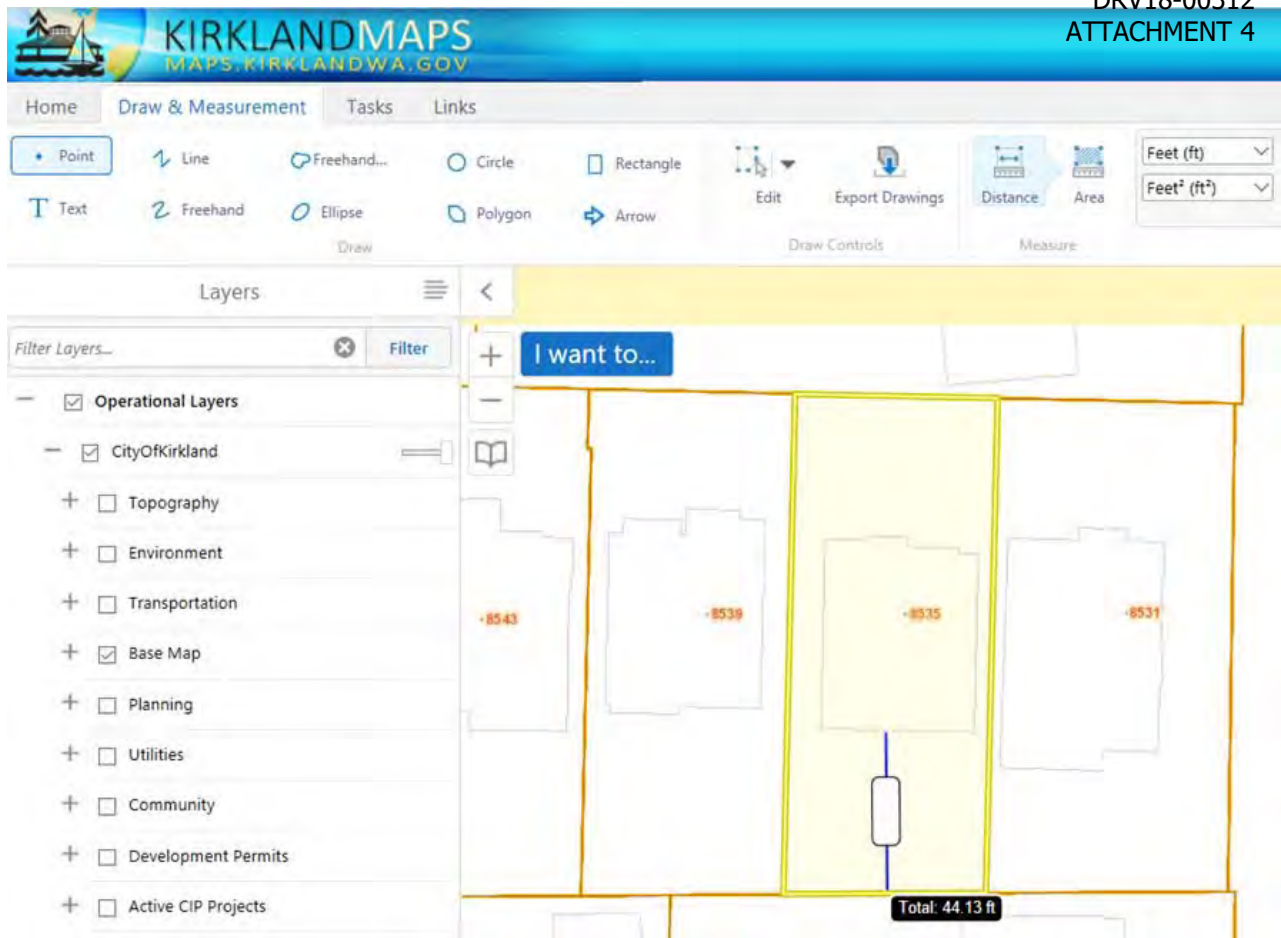
residences of the continental divide have unobscured views into both 1st and 2nd floor adjacent homes.



- Trees take time to grow to 20 ft tall. Let's say the initial height of the trees are 6 ft (normal height for newly planted trees) and every year they grow 3 ft (very fast growing trees). It will take about 5 years for the trees to grow to 20 ft height. So for the first 5 years or so, almost all residents in that building has clear views in to our house.
- Current landscape design doesn't seem to be able to provide privacy throughout the north side of the site. There are lots of gaps between big/tall trees.



- Deciduous trees (e.g. maple) can provide no privacy in winter time. Therefore evergreen trees must be planted along the north side.
- According to Kirkland maps, my house (8535 132nd Ave NE) is actually about 44 ft away from the property line, which is 8 ft closer then what was showing in the picture above. I have skylight on the roof (in my bathroom!). The top floor residents of continent divide likely will have a nice view looking into my bath tub and shower!



Therefore, the current design is not compliant with design guideline 5.d that DRB should not approve it.

Best regards,
Junyan Lin
8535 132nd Ave NE
Kirkland WA 98033

Tony Leavitt

From: Y Fan <yuan.fan@hotmail.com>
Sent: Monday, August 06, 2018 11:59 AM
To: Tony Leavitt
Subject: Permit # DRV18-00312 - 85th & 132nd Project Public Comment

Hi Tony

My name is Yuan Fan, I live in 13217 NE 92nd Way. I have extreme concerns about this project which will encompass 134 new apartments approximately plus some retail stores in 4-story building. The density of a project with this excessive size is out of place in the North Rose Hill neighborhood.

I didn't see how the city will solve the server traffic impact & environment impact that this huge project will bring to the neighbor hood. I also don't see how the city can approve such a high building in the area where are most single family houses. I would suggest that board members come to the site to see the already terrible traffic during morning and evening rush hour in both 132nd Ave NE and 85th ST. I ask that you to hear the concerns of the people living this area and deny the request of this project.

Thank you for your time.

-Yuan Fan
425-829-1327
yuan.fan@hotmail.com

Tony Leavitt

From: S. Davis <spicker76@yahoo.com>
Sent: Friday, July 27, 2018 12:38 PM
To: Tony Leavitt
Subject: Re: Updated Continental Divide Packet for 8/6 meeting

Hi Tony,
I would like to comment on this design and state my concerns.

I do not think the developer should get the 10 setback is required along NE 85th Street. The applicant has requested the following minor variations: 8.167 foot encroachment for the standalone commercial building. 1.5 foot encroachment for the main building. Approximately 575 square feet of total setback encroachment.

The zoning is for Residential may not be located on the ground floor of a structure. This design is showing residential on the ground floor. I think code should be followed. This area does support retail it is a mixed use development site, this is the zoning. The developer should not get any special variances. The current design does not support retail because the developer has decided not to follow cod and is building apartments where retail should be located and has not put in enough space for parking.

The developer has a zoning code to follow and they should not be able to deviate from the generous code they currently have on this site. They should redesign to make sure the code is followed.city o

Staff Comment: The applicant is proposing ground floor commercial space along NE 85 th Street and stacked residential units behind. Staff is working on a zoning code interpretation that would allow a residential use and associated parking on the ground floor along 131 st Avenue NE and 132 nd Avenue NE based on the fact these street are residential in nature and do not support retail.

What does this staff comment mean? The site was rezoned to RH8 because it can support office, retail and mixed use.

Susan

Tony Leavitt

From: Reid Borsuk <reid.borsuk@gmail.com>
Sent: Sunday, August 05, 2018 10:58 PM
To: Tony Leavitt
Subject: Aug 6th DRB meeting for Permit No. DRV18-00312

We are disheartened to see Merit Homes flagrantly ignore the Design Review Board requests of July 2nd.

Balconies & windows

Despite clear guidance to decrease the privacy impact on neighboring properties, Merit Homes continue to place balconies facing single family homes to the north, in direct contradiction with the Design review board feedback of three members.

The design regulations state “minimize windows and openings to protect the privacy of adjacent homes”, but between the July 2nd and August 6th submissions, the number of windows on the proposed structure dramatically *increased* from 224 to 329.

Height

The builder continues to claim a 5 foot height bonus for “peaked roofs” but instead installs specifically privacy violating mono-plane style roofs. This allows them to place windows well above standard height limits.

KCZ 115.60.2 (d) provides that “If a structure [...] has a peaked roof, **the peak may extend** [...] Five (5) feet, if the slope of the roof is equal to or greater than three (3) feet vertical to 12 feet horizontal.” (em added), and a peaked roof is clearly defined as “a roof of two or more slopes rising to a ridge”.

Merit Homes must not be allowed to build with an unearned height bonus for buildings with solely peaked roofs above the 35-foot limit.

Modulation on North façade

While the Design Review Board requested additional vertical and horizontal modulation of the North and East facades, Merit Homes only added one peaked roof -> flat roof transition, still insufficient to meet the design guidelines and requiring a variance for building bulk (KZC 92.30.3). Additionally, the DRB packet is missing an east elevation rendering. That’s clearly not what the DRB asked for.

Landscape Plan Accuracy

The provided landscape plan on page 69 represents the net building shape as it was on July 2nd and does not match the new building shape proposed at this meeting. This is most obvious along the north façade where there are now two cutouts instead of the one present on the landscape plan, in addition to a different building footprint modulation. This makes it impossible to ensure accuracy and compliance with the legally required landscape buffers.

Landscape encroachment

They have not removed the 131st access street encroachment on the required 15-foot landscape buffer, nor have they requested a variance for that. Merit Homes can’t just encroach upon a legally required buffer without a variance.

Further, design guideline 21 states that developer must “locate and design service and storage areas to minimize impacts on the pedestrian environment and adjacent uses.” Encroaching on a required buffer is counter to that guideline.

A variance must not be granted, as this is required as a *noise abatement buffer*. Concrete structure channel and amplify noise and a parking garage exit directly facing the receivers of noise pollution; *instead* of a noise abatement landscape buffer is counter to the requirement that variances “not have any substantial detrimental effect on nearby properties and the City or the neighborhood.”

“15 ft setback”

In addition, the Merit Homes claim that the required building setback is only 15 feet and they are building at 32 feet is misleading. A building of this size could only be built at a 30-foot distance due to its size and shape. They are doing the bare minimum that is legally required, and do not deserve special dispensation for that. A smaller building at 15 feet of setback is less impactful than a large one at 30.

Solar Studies

The “Existing Condition” solar studies are inconsistent with the “proposed” solar studies, they project several existing trees with very low foliage density as having 100% coverage. In addition, the “Existing” conditions include additional trees that are not being removed by the developer. The “proposed” picture crops those trees and drops their shadow from the rendering. This leads to a substantially misleading picture that adds sun to the “proposed” side.

With a substantially different input area of affect, the solar studies cannot be used to compare previous and new solar conditions.

Blank wall treatment

Merit homes ignored the request to add blank wall treatment to parking garage walls.

It is clear that Merit Homes is attempting to ignore the Design Review Board requests in order to build a structure prioritized to profit and not unity and conformance with the North Rose Hill civic identity. You must remain strong and reject these half-measures of compliance.

Reid Borsuk & Sarah Yao

Tony Leavitt

From: Olivia A <okayall@outlook.com>
Sent: Sunday, August 05, 2018 9:49 PM
To: Tony Leavitt
Subject: Continental Divide Mixed Use 85th & 132nd Project Public Comment (Permit No. DRV18-00312)
Attachments: Design Review Board_Continental Divide_Style Examples_Olivia Ahna_20180803_compressed.docx

City of Kirkland
Tony Leavitt, Senior Planner

My husband and I own the house at 8402 132nd Ave NE in Redmond, which is diagonally across the intersection of 85th/Redmond Way and 132nd Ave NE from the subject property for the Continental Divide Mixed Use project. We bought our home in July 2016 and only received notice about the project in late June 2018.

I have concerns about the severe change this project could mean to our neighborhood. Some of them fall under the authority of the Design Review Board. Please do all that is within the Design Review Board's power to address our concerns and those of our neighbors.

Notice to the community:

While I believe the notice given by the City of Kirkland was insufficient, I am taking that up with other commissions and officials. Regarding the Design Review Board, if the notice about the Design Review Board Meeting on July 2nd was earlier, I would have benefited from more time to absorb the news, do research, and plan to attend the meeting. Please consider notifying the community sooner (weeks or months sooner) about upcoming meetings.

Family atmosphere:

My husband and I are concerned about the family-oriented neighborhood we have now changing into big apartment complexes with studio apartments. I'm not sure how many students and single people are looking for an area with minimal bus service, very few businesses catering to them, and a steep hill bordered by forested ravines. The pedestrians near our house tend to be neighbors walking their dogs, retirees on a walk, commuters taking the bus to Redmond, and children going to and from school. I'm concerned that the young people attracted to this complex are not going to find the convenient amenities they want and 134 units of new people will change the character of our residential area.

Garbage collection: The dumpster for entire building is collected next to a neighbor's one-story home. When the garbage truck backs up into the driveway for collection, it will block access to one of only two entrances for the whole apartment complex. That seems inconvenient and even dangerous for that many people to be down to one entrance.

No moving truck loading zone:

Studio apartments are for young people whose lives are ever-changing. This project has no loading zone for a moving truck. Just as with garbage collection, if a moving truck blocks either driveway, residents are down to one way in or out. If moving trucks choose to stop on 132nd, they will be impacting an already clogged

intersection. If the moving truck parks on 131st, it will impact a dead-end street already overachieved by nearby businesses using their street to park.

No play area or open spaces for children:

Children who live in this apartment complex will have no options for playing outside. The nearest public park is a 13-minute 0.7 mile walk almost entirely along busy 85th Street. The current proposal for this apartment complex doesn't include any playground equipment or even an open grassy area for children. The center courtyard will be a parking lot, which cannot be safe a play area.

Balconies:

The developer wants an exception for having balconies encroaching onto the buffers to neighboring homes and the street. I think covered balconies that are set into the building would be more useful to the apartment occupants and more pleasing from the street.

Style and Color Choices:

I believe the style of this building should blend into the neighborhood aesthetic and follow the style trends that are popular in the newly constructed homes surrounding it. The urban, industrial, multi-colored style of this planned apartment complex is not typical of the homes nearby. The newly constructed homes are following Northwest Craftsman, Farmhouse, Traditional, and Northwest Contemporary style trends. The Northwest Contemporary style is being used most by the developer of this project, Merit Homes, when they build single family homes. Even still, the color choices for Merit Homes' single family homes are more subdued and sophisticated. Please see the attachment for examples of color choices made by Merit Homes and styles of newly constructed homes sold in since 2015 within 1/3 mile from the subject property.

I think the following would help the aesthetics of this project:

- Hip roof: Casts less of a shadow onto neighbors and fits the Northwest Craftsman style.
- Farmhouse style: Evokes the equestrian heritage of adjacent Bridle Trails. Could include gooseneck light fixtures, horizontal shiplap-like siding, wrap-around porches, white and neutral colors, black framed multi-paned windows, and cross buck horse fencing.
- Craftsman details: Gable brackets, cedar shake accents, dormer windows, tapered pillars.
- Stacked bay windows: Would help break up the facade. Apartment seekers would probably enjoy the architectural detail. A recently built apartment complex in downtown Redmond has them and it helps make it look more desirable and less basic.
- Arched windows: Quite a few of the new construction in the area includes these and they add visual interest.

Please do what is in the power of the Design Review Board to help our neighborhood keep its current family atmosphere, the flow of people passing through, the safety of our children, and our quality of life. Please help maintain the character of Kirkland (and Redmond across the street) through sophisticated color choices and popular design details. We are counting on you to hear us and make the vital changes necessary.

Olivia and Chris Ahna
8402 132nd Ave NE
Redmond, WA 98052

Style Examples

Merit Homes Color Choices



Style Examples

Homes constructed since 2015 within 1/3 mile of subject property

Northwest Craftsman



7931 125th Ln NE



8718 124th Ave NE



13414 NE 80th St



12423 NE 80th St



8722 124th Ave NE



8728 124th Ave NE



8012 131st PI NE



8210 131st Ave NE



12722 NE 69th Dr



12404 NE 90th St

Farmhouse



12614 NE 80th St

Traditional



13414 NE 80th St



7809 126th Ave NE



7717 127th Pl NE



7722 127th Pl NE



13424 NE 80th St

Northwest Contemporary

(Excluding those made by Merit Homes)



8738 126th Ave NE



11707 NE 78th Ct



7803 126th Ave NE

Tony Leavitt

From: sj_chow@yahoo.com
Sent: Friday, July 20, 2018 10:47 PM
To: Tony Leavitt
Subject: Fw: Permit No. DRV18-00312

Hello Tony,

This is regarding Permit No. DRV18-00312 for the proposal of redevelopment at 8505 132nd Ave NE. I am concerned about the impact that redeveloping this site to provide 134 units of homes and commercial/office space would have to the traffic along 132nd Ave NE and the impact to the neighborhood schools (Twain Elementary, Rose Hill Middle School and Lake Washington High School).

The traffic along 132nd Ave NE is already very congested in the peak morning commute and afternoon commute hours. Many people use 132nd Ave NE as an arterial road to get from Redmond/Bellevue to Juanita and it is very difficult to make a left turn from one of the east/west streets onto 132nd Ave NE as there is almost no break in traffic at all. I live along this corridor and if I am heading home from Costco, instead of taking the shortest route home (via NE 100th St) I must take a long way home (and add to traffic on NE 85th St) since the left turn from NE 100th St to 132nd Ave NE is so difficult. Traffic is also very busy on Sunday mornings due to the large amount of Churchhome church traffic.

As I understand it, Twain Elementary is already completely full and using 2 portable classrooms. There's already a large development planned at the Petco site which seems to fall in the current Twain boundary. Where will all of the kids go? There is a severe lack of services in the area for childcare (0-5), aftercare (elementary aged) and classroom spaces for children. I have read that LWSD does not have any plans for new elementary schools in the area.

Thank you for your consideration.

Stephanie Chow

Tony Leavitt

From: jholms@comcast.net
Sent: Tuesday, July 10, 2018 10:11 AM
To: Tony Leavitt
Subject: Permit No., DRV18-00312

I am requesting at this time to become a party of record for this permit. I would like to receive any and all notifications of public hearings and any other pertinent information on this permit.

I reside at The Pointe which is directly across the street from this project. This project is huge and does not fit into the design of the neighborhood.

I am especially interest in the traffic issues for this project which would also be part of the design.

Thank you. Please contact me by email if you need further information.

Jennifer Holms
8723 132nd PI NE
Redmond WA 98052
jholms@comcast.net

July 6, 2018

City of Kirkland
Planning and Building Department
123 Fifth Avenue
Kirkland, WA 98033

Re: Multi-Use Complex
NW Corner of 85th Street & 132nd Avenue NE

To Whom It May Concern:

I am writing this letter on behalf of myself and my neighbors owning property at The Pointe and within the Rose Hill Community. This project should not be approved as presented in the Design & Review Board meeting on July 2, 2018. Below are bullet points of many issues that should be considered by all departments that have the decision-making segments.

General Concerns:

- Technically, The Pointe is within the City of Redmond. However, only those in the PUD received notice per the 300-foot rule for notification. Every property owner within The Pointe will be impacted and should be included in notification and have the ability to express opinions.
- Although most residents in the quadrant in question have desires to see this property developed in a way that benefits the community, the plan presented to the Design Board came as a shock in the scope and scale. It was expected to have commercial buildings on the frontage of 85th. However, the addition of the 134 residential units was not properly disclosed during the rezoning phase.

Design and Materials:

- It is distressing enough to see the "Merit" style small residential units pop up all throughout the Rose Hill area. They are not a pleasing design and completely out of the realm of a more classic Pacific Northwest style. There are other low lot line buildings that have been done that integrate better visually. A couple examples (addresses are linked to street map) are: [8818 – 132nd Avenue NE](#), [13116 NE 90th Street](#), [13110 85th Street commercial building](#).
- The "Merit" style does not have longevity. In 10 years, it is my opinion that it will be much less desirable and become more of an eye-sore.
- Materials used might be cost effective for the developer but look cheap and without thought as to color, texture, and appeal.
- Roof lines and wall designs are harsh and do not fit the neighborhood.
- This project will NOT enhance property values but will cause a decline to those owning properties closest to this massive project.
- The 132nd Avenue design looms large over street and appeal. Now at 4 stories, this is out of scope for the community. Note that there are NO buildings in this height range and levels from