



DESIGN REVIEW BOARD DECISION

FILE NUMBER: DRV22-00777
PROJECT NAME: Kirkland CKC Project
APPLICANT: David Morse, Toll Brothers
PROJECT PLANNER: Kyle Cotchett, Associate Planner

I. SUMMARY OF DECISION

David Morse, with Toll Brothers Inc., applied for design review of the Kirkland CKC Project at 10801 and 10809 120th Ave NE (see Attachment 1). The project consists of 121 residential townhouse units and 880 square feet of commercial space. Parking will be provided in residential unit garages and surface parking areas. Vehicular access is proposed from 120th Ave NE.

On February 6th, 2023, the Design Review Board (DRB) approved the project as shown on the plans dated January 23rd, 2023 subject to the following conditions:

- A. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 2, Development Standards, intended to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations.
- B. As part of the application for a Building and/or Land Surface Modification permit the applicant shall submit the following:
 - 1. Construction plans demonstrating compliance with the project plans approved by the DRB (see Attachment 3).
 - 2. Plans that include:
 - i. Additional seating opportunities provided along the access drive sidewalk. The materials for the seating shall be complimentary to the materials approved by the Board for the project.
 - ii. Information regarding existing vegetation on the southern slope and any proposed vegetation removal. The plan should propose additional plantings along south of the retaining walls and gabion basket that fill in gaps of vegetative screening of the proposed improvements when viewed from the neighboring properties to the south.

3. A summary of any proposed project changes, indexed to the permit drawings, from the plans approved through Design Board Review. Based on the scope of changes staff may require a minor modification application.
- C. Prior to final inspection of a building permit by the Planning Official, the project architect shall submit a letter stating that they have evaluated the project to ensure it is consistent with the plans approved through Design Board Review and no modifications have been made that were not previously approved by the City.

II. DESIGN RESPONSE CONFERENCE MEETINGS

A. Background Summary

Staff reports and associated materials for the meetings referenced below can be found online at the DRBs meeting webpage:

<https://www.kirklandwa.gov/Government/Departments/Planning-and-Building/Design-Review-Board/DRB-Meeting-Materials-Archive>

To prepare for the Design Response Conference, the DRB held a Conceptual Design Response Conference on June 20th, 2022 on the proposed project. At the meeting, the DRB provided direction to the applicant in preparation for the Design Response Conference.

Below is a summary of the Board's discussions at the Design Response Conferences held on January 23rd, 2023 and February 6th, 2023.

January 23rd, 2023 Conference: The Design Review Board reviewed the plans submitted by the applicant dated January 6th, 2023. Staff provided an overview of the Zoning Code and Comprehensive Plan policies for the TL 10 E zone and the key design issues for the project. Staff's memo dated January 13th, 2023 provides an analysis of project consistency with the Zoning regulations, Comprehensive Plan policies and Design Guidelines for Pedestrian Oriented Districts. The Board raised concerns regarding the small footprint of the commercial space and the lack of integration of the mixed-use intent of the design guidelines into the project proposal. After receiving public comment on the project and deliberating, the Board requested the applicant to return for a continuation of the meeting so that City Planning Staff could respond to the request by the DRB to analyze the City's Design Guidelines pertaining to the Totem Lake Business District and give guidance to the Design Review Board on what their authority is in requiring the applicant to provide additional commercial space in the development.

February 6th, 2023 Conference: Staff provided an overview of the Zoning Code and Comprehensive Plan policies for the TL 10 E zone and the key design issues for the project. Staff's memo dated February 1, 2023 provides an analysis of the City's Design Guidelines pertaining to the Totem Lake Business District and give guidance to the Design Review Board on what their authority is in requiring the applicant to provide additional commercial space in the development. See Section III below for further information regarding the DRB's discussion and conclusions.

B. Public Comment

All public comment letters and e-mails received during the Design Response Conference meetings were forwarded on to the Board for consideration in addition to the oral comment from the public meetings. All comments are contained in the City's official file. Below is a summary of the general public comment themes that emerged through the design review process:

- Concerns about construction regarding disruption to neighboring residents, wildlife, critical areas, and Cross Kirkland Corridor use.
- Worries regarding slope erosion during construction.
- ADA accessibility for potential residents and visitors.
- Privacy concerns for neighboring residents to the south.
- Tree removal and retention concerns.
- Impacts due to increased traffic.
- Concerns regarding provision of parking and potential for visitors parking within the Highlands neighborhood to the south.

III. DESIGN REVIEW BOARD DISCUSSION AND CONCLUSIONS

Below is a summary of the key issues and conclusions reached by the Design Review Board during the design review process. For more background on these issues and evaluation of how the project meets the Zoning Code and Comprehensive Plan policies see staff advisory reports from the design response conferences contained in File DRV22-00777 and online at the previously mentioned DRB meeting page.

A. BUILDING MASSING, ARCHITECTURAL AND HUMAN SCALE

DRB Discussion: The DRB evaluated the proposed building height, architectural, and human scale elements. Some Board members raised concerns that the proposal did not reflect a typical mixed-use building typology and presented smaller scale primarily residential building types. However, other Board members discussed how the scale of the project will provide a transition to the denser and taller developments within the district given this project's location on the southern edge of the Totem Lake Business District.

DRB Conclusions: The DRB concluded that the proposed project was consistent with the design guidelines found in the Design Guidelines for the Totem Lake Business District that relate to building height, architectural and human scale.

B. BUILDING MATERIALS, COLOR AND DETAIL

DRB discussion: The DRB evaluated the proposed materials, colors, and details. Some of the Design Review Board members discussed that the color choices across the project are dark and monotonous. However, other members of the Board discussed that due to the proximity of the site to the Cross Kirkland Corridor, it is better that the structures are muted so as not to detract from the nature on the trail.

DRB conclusions: The DRB concluded that the proposed project was consistent with the design guidelines found in the Design Guidelines for the Totem Lake Business District that relate building materials, color, and details.

C. VEHICULAR AND PEDESTRIAN ACCESS

DRB Discussion: The DRB reviewed plans that illustrate the proposed vehicular access and pedestrian circulation on site. The DRB discussed the pedestrian-oriented elements of the project, in particular:

- The desire for additional pedestrian connections on the southside of the access drive.
- Exploration of additional pocket areas along the access drive sidewalk for pedestrian rest.
- Inclusion of more seating areas along the access drive sidewalk.

Upon continuation of the DRC meeting of February 6th, the applicant provided a presentation that showed additional walking paths on the southside of the access drive.

DRB Conclusions: The DRB concluded that the proposed project was consistent with the design guidelines found in the Design Guidelines for the Totem Lake Business District that relate to vehicular and pedestrian access. However, the Board also concluded that upon submittal of a building permit, the applicant should submit plans that include additional seating areas along the access drive sidewalk. The materials for the seating should be complimentary to the materials approved by the board for the project.

D. LANDSCAPING

DRB Discussion: The DRB reviewed the landscape and amenity plan for proposed development. The site in its existing condition is heavily wooded around the perimeter and is encumbered by two wetlands and Forbes Creek. Landscaping was placed throughout the development and included intentional plantings that would buffer commercial land uses and the I-405 freeway to the west, north, and east of the subject property. The DRB discussed the landscaping of the project, in particular the height of planting choices.

Upon the continuation of the DRC meeting of February 6th, the applicant provided a presentation that illustrated the heights of plantings and their location on site. The applicant demonstrated that their tallest vegetation was to be placed on the western, northern, and eastern borders of the subject property. Additionally, the landscape plan showed some of the tallest plantings to be within the 100 ft stream corridor. The moderate to low height plantings are mostly planned for the interior of the development along the access drive and around the buildings and recreational amenity areas.

DRB Conclusions: The DRB concluded that the proposed project was consistent with the design guidelines found in the Design Guidelines for the Totem Lake Business District.

E. MINOR VARIATION

DRB Discussion: The DRB evaluated the proposed minor variation request to the land use buffer requirement in the TLBD zones. The applicant proposed to utilize the existing steep slope and vegetation as the land use buffer. The existing slope has a relief of approximately 40' from the single-family uses in the south to the existing structures on site. The distance from the proposed structures to the property line will range from 25 ft to 40 ft. Currently, the steep slope is

comprised primarily of Douglas Fir, Alder, Big Leaf Maple, and Western Red Cedar trees with an understory of blackberry and western sword ferns. According to the applicant's tree retention plan, a majority of the significant trees on and at the base of the slope will need to be removed as part of the construction of the retaining walls and supported structures. The DRB discussed the proposal in respect to the following criteria to grant a minor variation (KZC Section 142.37.4):

- The request results in superior design and fulfills the policy basis for the applicable design regulations and design guidelines;
- The departure will not have any substantial detrimental effect on nearby properties and the City or the neighborhood.

The proposal provides a greater land use buffer than the required buffer of 5 ft. However, while the width will be greater, the amount of existing vegetation for screening may be low after construction as shown in the applicant's tree retention plan.

Staff recommended approval of the minor variation on the condition that upon building permit submittal the applicant should provide a plan that shows the vegetation that exists on the southern slope and any proposed vegetation removal. The plan should propose additional plantings along south of the retaining walls and gabion basket that fill in gaps of vegetative screening of the proposed improvements when viewed from the neighboring properties to the south. The provision of additional vegetation would result in a superior design and fulfills the policy basis for the applicable design regulations and design guidelines.

DRB Conclusions: The DRB concluded that the applicant demonstrated that the minor variation proposal will result in a superior design and that the departure will not have any substantial detrimental effect on nearby properties and the City or neighborhood. The DRB agreed with staff and stated that upon building permit submittal the applicant should provide a plan that shows existing vegetation on the southern slope and any proposed vegetation removal. The plan should propose additional plantings along south of the retaining walls and gabion basket that fill in gaps of vegetative screening of the proposed improvements when viewed from the neighboring properties to the south.

IV. DEVELOPMENT REVIEW COMMITTEE

Comments and requirements placed on the project by City departments are found on the Development Standards, Attachment 1.

V. SUBSEQUENT MODIFICATIONS

Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

VI. APPEALS OF DESIGN REVIEW BOARD DECISIONS AND LAPSE OF APPROVAL

Appeals

Section 142.40 of the Zoning Code allows the Design Review Board's decision to be appealed to the Hearing Examiner by the applicant or any person who submitted written or oral comments to the Design Review Board. The appeal must be in the form of a letter of appeal and must be

delivered, along with any fees set by ordinance, to the Planning and Building Department by 5:00 p.m., June 20, 2023, fourteen (14) calendar days following the postmarked date of distribution of the Design Review Board's decision.

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

Lapse of Approval (KZC 142.55)

The applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within five (5) years after the final approval of the City of Kirkland on the matter, or the decision becomes void.

The applicant must substantially complete construction for the development activity, use of land or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within seven (7) years after the final approval on the matter or the decision becomes void.

VII. ATTACHMENTS

- 1. Vicinity Map
- 2. Development Standards
- 3. Applicant Proposal dated January 23, 2023

VIII. PARTIES

The following is a list of parties that have submitted written or oral comment to the DRB:

IX. APPROVAL

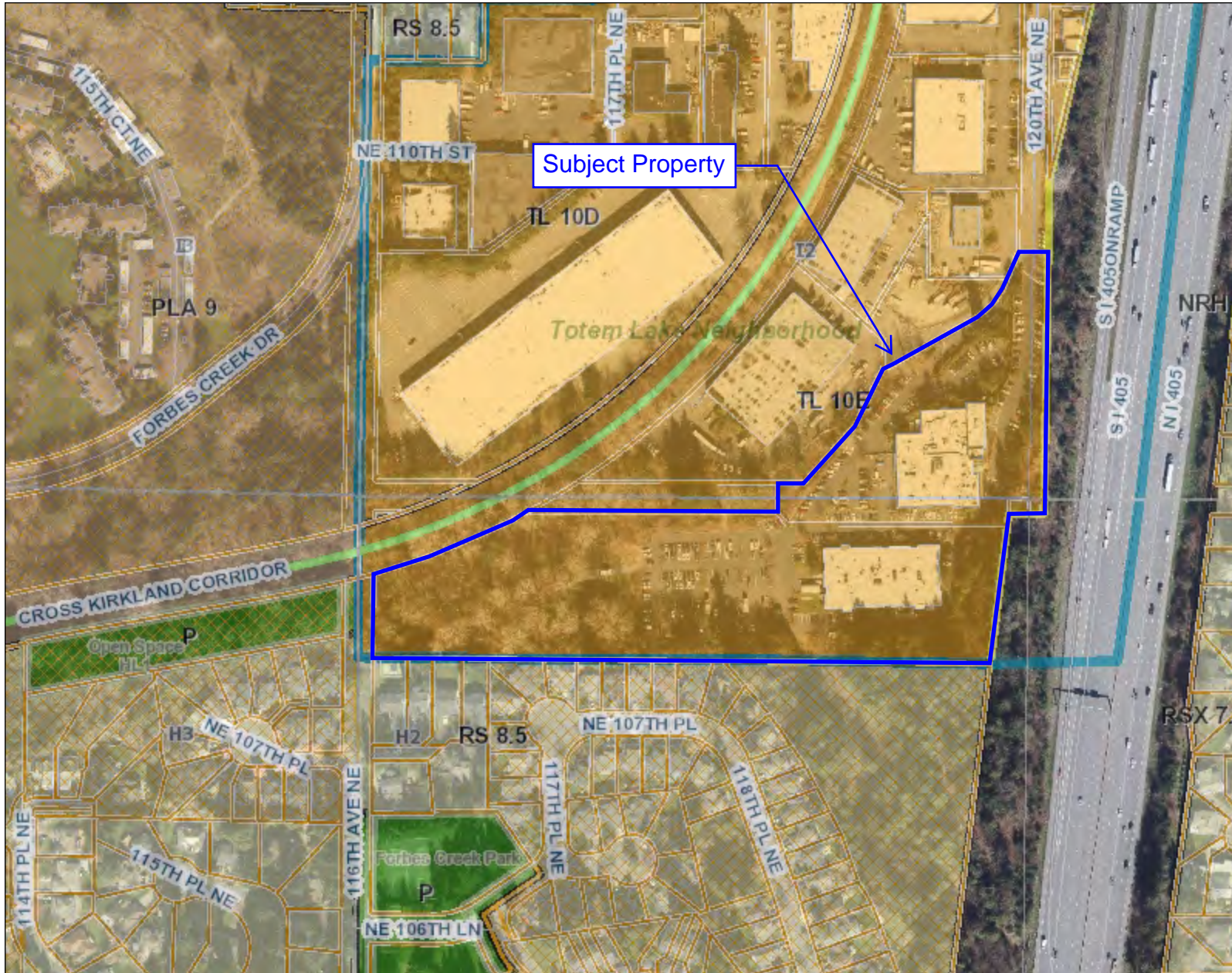


Carlos Castaneda, Design Review Board Chair

Date: 05/07/2023



Toll Brothers CKC Vicinity Map



Legend

- City Limits
- Grid
- QQ Grid
- Cross Kirkland Corridor
- Regional Rail Corridor
- Streets
- Parcels
- Buildings
- Lakes
- Parks
- Schools
- Totem Lake Urban Center
- Overlay Zones**
- (EQ)
- (HL)
- (HP)
- Planned Unit Development
- Design District
- City Zoning**
- Commercial
- Industrial
- Transit Oriented Development
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential

1: 3,533



Notes

588.9 0 294.45 588.9 Feet

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

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PLANNING CONDITIONS – Contact Kyle Cotchett, Phone Number 425-587-3254:

Conditions applying to *almost* all permit types:

Note: consult the Kirkland Zoning Code (KZC) online at <http://www.codepublishing.com/wa/kirkland/?html/KirklandZNT.html>

- PBD 1. **PLANNING TO PERFORM FINAL INSPECTION PRIOR TO BUILDING** - BUILDING PERMIT INSPECTION CARD MUST BE SIGNED OFF BY PLANNING PRIOR TO ANY REQUEST FOR FINAL BUILDING INSPECTION. You can request an inspection through www.mybuildingpermit.com. **24 HOUR ADVANCE NOTICE REQUIRED FOR INSPECTION.** Please consult these conditions before scheduling a Planning inspection.
- PBD 2. **HEIGHT VERIFICATION** – A completed, signed and dated height verification form must be submitted to the building inspector at either the underfloor inspection or the slab insulation inspection.
- PBD 3. **HEIGHT SURVEY** – A height survey, by a licensed surveyor, must be submitted to the building inspector at time of the roof sheathing inspection for structures that will be within one foot of the maximum allowed height.
- PBD 4. **REVISED SITE PLAN** - Any proposed changes to the approved site plan, such as but not limited to, added hard surfaces, HVAC units, accessory structures, or tree removals, must be submitted as a revision to the building permit for review and approval prior to implementation.
- PBD 5. **LOT COVERAGE** - Any proposed increase in the total impervious and/or hardscape surfaces on the site must be submitted for review as a revision to this building permit prior to the addition of impervious/and or hardscape area.
- PBD 6. **LOT COVERAGE APPROVED PLANS** - The approved plans do not show any areas of synthetic turf. This material shall not be installed unless a revision to this permit is submitted and approved by the City. For lot coverage purposes, synthetic turf is considered impervious by the Kirkland Zoning Code.
- PBD 7. **ADDITION/ALTERATION TREE RETENTION** - No tree removal is allowed unless approved on your site plan. No damage to tree root systems is allowed. No heavy equipment and stockpiling of materials within tree drip lines. Any additional tree removal must be authorized by the Planning & Building Department prior to removal. Call the planner noted above for more information.
A minimum of two trees must be on the lot following the requirement set forth in KZC 95.33(4).
- PBD 8. **NOTICE OF GEOLOGIC HAZARD** - Prior to final inspection of any development permit, the applicant shall record (unless legally prohibited from doing so), on the title of the property, a notice stating that the property is potentially located in a geologically hazardous area. This notice will inform future owners that, at the time of the permit's issuance, the property was potentially located in a geologically hazardous area.

- PBD 9. **GEOTECHNICAL REPORT** - All development activity shall follow the recommendations of the geotechnical report prepared by dated and submit additional geotechnical information as specified in the report.
- PBD 10. **ALL - HOURS OF CONSTRUCTION** - All development activity and heavy equipment operation is restricted to 7:00 AM to 8:00 PM Monday through Friday, and 9:00 AM to 6:00 PM Saturday. Other restrictions on Saturday include: no working in the right-of-way, no work requiring inspection, and no trucking into or out of the site; however, light grading work on-site on Saturday is allowed. NO development activity or heavy equipment operation may occur on Sundays or the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
- PBD 11. **MAXIMUM NOISE LEVELS** - All mechanical units shall comply with the maximum environmental noise levels established pursuant to the Noise Control Act of 1974, Revised Code of Washington (RCW) 70.107. See Chapter 173-60 Washington Administrative Code (WAC). A link to the WAC and RCW is available at http://www.kirklandwa.gov/Government/Codes_and_Laws.htm.
- PBD 12. **BALD EAGLE PROTECTION** – This permit is conditioned upon strict observance of all applicable federal laws for bald eagle protection. The permittee is responsible for adhering to the applicable bald eagle management guidelines and/or their federal permit. Visit www.fws.gov/pacific/eagle/ if you need assistance with federal permitting requirements.

Commercial and Multi-Family Permit Conditions:

- PBD 13. **HEIGHT SURVEY** – A completed, signed and dated height verification form must be submitted to the building inspector at either the underfloor inspection or the slab insulation inspection.
- PBD 14. **HEIGHT SURVEY** – A height survey, by a licensed surveyor, must be submitted to the building inspector at time of the roof sheathing inspection for structures that will be within one foot of the maximum allowed height.
- PBD 15. **TREE PROTECTION** - The applicant shall install temporary but immovable construction fencing around the drip line of all significant trees to be retained after the pre-construction meeting but prior to any grading or site construction. The Public Works Department MUST inspect and approve all tree fencing prior to the start of any other site work. **DO NOT MOVE OR REMOVE THE FENCING UNLESS AUTHORIZED BY THE PLANNING AND BUILDING DEPARTMENT.** Please call 425-587-3805 to request inspection. **ADVANCE NOTICE OF ONE WORKING DAY REQUIRED FOR INSPECTION.**
- PBD 16. **DESIGN REVIEW BOARD COMPLIANCE** - All items required through the Design Review process shall be in place and inspected by the Planning & Building Department prior to issuance of a Certificate of Occupancy.

- PBD 17. **SIGNS** - A sign permit must be obtained from the Planning & Building Department prior to installation of any new or additional signs. Call the Planning and Building Department at 425-587-3600 for information on sign allowances.
- PBD 18. **ASPHALT PARKING AREA** - All parking areas and driving lanes must be of asphalt or superior material.
- PBD 19. **STRIPED PARKING AREA** - All parking areas and driving lanes must be striped and surrounded by six-inch vertical concrete curb.
- PBD 20. **ROOFTOP APPURTENANCES** - All rooftop appurtenances must be screened in accordance with Zoning Code Section 115.120.
- PBD 21. **COMMERCIAL / MULTI-FAMILY-ROOFTOP SCREENING REQUIRED** – Prior to calling for a Planning Final Inspection, all rooftop screening must be installed.
- PBD 22. **LANDSCAPE PRIOR TO FINAL INSPECTION** - Prior to final inspection by the Planning & Building Department all landscaping and other required improvements must be installed. All installation and maintenance standards shall conform to Kirkland Zoning Code Sections 95.45 and 95.50. Any changes to the approved landscaping plan must be submitted for review and approved as a revision to this building permit prior to implementation.
- PBD 23. **DRIVEWAYS AND PAVING** - Prior to final inspection by the Planning & Building Department, all driveways, parking areas, and curbing must be installed.
- PBD 24. **LANDSCAPE AS-BUILT LANDSCAPE PLAN** - Prior to final inspection by the Planning & Building Department, an as-built landscape plan must be submitted to the Planning & Building Department.
- PBD 25. **MAINTENANCE OF REQUIRED LANDSCAPING** - All required landscaping shall be maintained throughout the life of the development. The applicant shall submit an agreement to the city to be recorded with King County which will perpetually maintain required landscaping. Prior to issuance of a certificate of occupancy, the proponent shall provide an agreement to maintain and replace all landscaping that is required by the City.
- PBD 26. **LANDSCAPE GREENBELT EASEMENT** - Prior to final inspection by the Planning & Building Department, the property owner must sign a landscaped greenbelt easement for required landscape buffers and submit it to the Planning & Building Department for recording with King County. Note: recording fees apply.

LSM

- PBD 27. **PAVED PARKING** - All parking areas and driving lanes must be of asphalt or superior materials and be striped and surrounded by six-inch vertical concrete curb.

- PBD 28. **PROPERTY CORNERS PRIOR TO FINAL** - Prior to final inspection, all interior and exterior property corners must be permanently set by a registered land surveyor.
- PBD 29. **TREE PROTECTION** - The applicant shall install temporary but immovable construction fencing around the drip line of all significant trees to be retained after the pre-construction meeting but prior to any grading or site construction. The Public Works Department **MUST** inspect and approve all tree fencing prior to the start of any other site work. **DO NOT MOVE OR REMOVE THE FENCING UNLESS AUTHORIZED BY THE PLANNING AND BUILDING DEPARTMENT.** Please call 425-587-3805 to request inspection. **ADVANCE NOTICE OF ONE WORKING DAY REQUIRED FOR INSPECTION.**
- PBD 30. **LANDSCAPE AS-BUILT LANDSCAPE PLAN** - Prior to final inspection by the Planning & Building Department, an as-built landscape plan must be submitted to the Planning & Building Department.
- PBD 31. **UTILITY STRUCTURES IN SETBACKS** - Utility structures which extend more than four inches above finished grade may be constructed within a required setback yard provided no other location within the public right-of-way is feasible and prior approval of the City (Planning and Public Works Departments) is obtained. Any franchise agreement between the City and a utility company may supersede this requirement.

Mechanical

- PBD 32. **ROOFTOP APPURTENANCES** - All rooftop appurtenances must be screened in accordance with Zoning Code Section 115.120.
- PBD 33. **UTILITY STRUCTURES IN SETBACKS** - Utility structures which extend more than four inches above finished grade may be constructed within a required setback yard provided no other location within the public right-of-way is feasible and prior approval of the City (Planning and Public Works Departments) is obtained. Any franchise agreement between the City and a utility company may supersede this requirement.
- PBD 34. **MECHANICAL IN SETBACKS** - HVAC and similar types of mechanical equipment may be placed no closer than five feet to a side or rear property line, and shall not be located within a required front yard (unless specifically approved pursuant to KZC 115.115(3)(p)(2)); provided, that such equipment may be located in a storage shed approved pursuant to KZC 115.115(3)(m) or a garage approved pursuant to KZC 115.115(3)(o)(2).

All HVAC and similar types of mechanical equipment shall be baffled, shielded, enclosed, or placed on the property in a manner that will ensure compliance with the Noise Control Act of 1974, Revised Code of Washington (RCW) 70.107. See Chapter 173-60 Washington Administrative Code (WAC).

Sign

- PBD 35. **REMOVE EXISTING SIGNS** - All existing signs shall be removed prior to the installation of new signs.

- PBD 36. **LANDSCAPING REQUIRED** - Prior to final inspection, an area around the base of each pedestal and monument sign equal to the sign area must be landscaped.
- PBD 37. **PROHIBITED DEVICES** - Applicant is advised to review Zoning Code Section 100.85 which specifies prohibited types of signs and other advertising devices, including banners, flashing lights, and balloons. These devices are not approved as part of this permit application.
- PBD 38. **CHANGING MESSAGE CENTERS** - Changing message centers may display only public service time and temperature information.
- PBD 39. **WIRING** - No overhead wiring to freestanding signs allowed. Wiring must be placed underground.



PUBLIC WORKS CONDITIONS

Permit #: DRV22-00777

Project Name: Kirkland CKC

Project Address: 10809 120th Avenue NE

Date: January 17, 2023

Public Works Staff Contacts

Ryan Schauble, Senior Development Engineer

Phone: 425-587-3842 / E-mail: rschauble@kirklandwa.gov

General Conditions:

1. All public improvements associated with this project including street and utility improvements, must meet the [City of Kirkland Public Works Pre-Approved Plans and Policies Manual](#). A Public Works Pre-Approved Plans and Policies manual can be purchased from the Public Works Department, or it may be retrieved from the Public Works Department's page at the City of Kirkland's web site.
2. [Permit Fees, Connection Charges](#) and [Impact Fees](#). Click on the hyperlinks to view the latest fee schedules. Contact Public Works staff if there are general questions about fees. Fees for a specific permit will not be determined until plan review is complete. The applicant is responsible for completing and submitting the Public Works Improvement Evaluation Packet (available in either [Excel](#) or [PDF](#)) before fees and securities are determined. If the project site is located in a water/sewer service area other than City of Kirkland (i.e., Northshore Utility District or Woodinville Water District), then those utility connection charges will be collected by the respective utility district.
3. All street and utility improvements for Short Plats and Subdivisions shall be permitted through a [Land Surface Modification \(LSM\) Permit](#). Click on the hyperlink to view the LSM Checklist. Street and utility improvements covered under a building permit will not require a separate LSM permit, unless specified otherwise by staff.

An "Enhanced LSM Permit" is required for Cottage, Carriage and Two/Three-Unit Homes projects pursuant to Kirkland Zoning Code (KZC) Chapter 113. Projects with an Enhanced LSM, the associated building permits will be given single-family review target dates. At least one building permit must be submitted for the project prior to issuance of the Enhanced LSM. Applicant must coordinate with the Planning Dept and Public Works Dept regarding the application materials needed for the Enhanced LSM prior to making application.

4. Right-of-Way (ROW) Restoration Performance and Maintenance Securities: The Developer must post a performance security to cover all ROW restoration requirements. The security amount will be based on the scope of work in the right-of-way and other



risk factors to public infrastructure. The performance security will be released once the project is complete and the permit(s) passed Final Inspections. Prior to Final Inspections, the Developer must also post a Maintenance Security covering all public improvements installed by the project for a period of two (2) years from the permit Final date. The security amount will be determined by the Public Works Department.

5. Traffic Concurrency Review:

Prior to submittal of a Building or Zoning Permit, the applicant must apply for a Concurrency Test Notice. Contact Thang Nguyen, Transportation Engineer, at 425-587-3869 for more information. A separate Concurrency Permit will be created.

After concurrency has passed, the project will receive a concurrency test notice that allows the applicant to proceed with all development permits. A "Certificate of Concurrency" is established with a development or building permit. It will read as follows: CERTIFICATE OF CONCURRENCY: This project has been reviewed and approved for water, sewer, and traffic concurrency. Any water and sewer mitigating conditions are listed within the conditions below. Any traffic mitigating conditions will be found in an attached memorandum from the Public Works Traffic Engineering Analyst to the Planning Department Project Planner. Upon issuance of this permit, this project shall have a valid Certificate of Concurrency and concurrency vesting until the permit expires. This condition shall constitute issuance of a Certificate of Concurrency pursuant to chapter 25.12 of the Kirkland Municipal Code.

6. All civil engineering plans which are submitted in conjunction with a building, grading, or right-of-way permit must conform to the Public Works Policy G-7, Engineering Plan Requirements. This policy is contained in the Public Works Pre-Approved Plans and Policies Manual. All street improvements and underground utility improvements (storm, sewer, and water) must be designed by a Washington State Licensed Engineer. All drawings shall bear the licensed engineer's stamp. All plans submitted in conjunction with a building, grading or right-of-way permit must have elevations which are based on the King County datum only (NAVD 88).
7. Prior to issuance of any commercial or multifamily Building Permit, the applicant shall provide an analysis and plan for garbage, recycling and composting storage and pickup. Refer to Policy G-9 in the Public Works Pre-Approved Plans as a guide. The plan must be approved by Waste Management and by Public Works. The applicant shall submit a letter report to summarize the analysis and the plan, supported by such details as container sizing calculations, storage area sizing calculations, and truck access and turnaround details.
8. The required tree plan shall include any significant tree in the public right-of-way along the property frontage.



Sanitary Sewer Conditions:

1. An existing 72" concrete King County Metro sewer main runs through the existing properties. Verify easement widths and coordinate with KC Metro on what is allowed over and around these easements.
2. Provide a plan and profile design for the sewer line extension.
3. A 20 foot wide public sanitary sewer easement must be recorded with the property.
4. Access for maintenance of the sewer manholes is required. Provide a 15' wide access easement from the right-of-way to each sanitary sewer manhole.
5. Any businesses serving food or drink are required to have grease interceptor on the waste line prior to discharge to the City sewer system. The interceptor shall be sized per the Uniform Plumbing Code (minimum).

Water System Conditions:

1. The existing water main in the right-of-way is adequate to serve the project. Re-location likely will be required to bring the water main into the new street. A 15' public water line easement required over existing or new water main locations.
2. Provide a separate water service from the water main to the meter for each lot. City of Kirkland will set water meters 2" and smaller. Water meters shall be sized per the Uniform Plumbing Code when the Building Permit is submitted. A ¾" meter is typical for a new single-family home, which requires a 1" water service line from the main. See Pre-Approved Plans for more details. Structures with a fire sprinkler system plumbed to the domestic water service will require a 1" meter at a minimum.
3. The existing water service shall be abandoned at the main, unless expressly approved otherwise by Public Works Department.
4. See Fire Department conditions for fire flow requirements.

Surface Water Conditions:

1. Provide temporary and permanent storm water control in accordance with the [2021 King County Surface Water Design Manual \(KCSWDM\)](#) and the [City of Kirkland Addendum \(Policy D-10\)](#). Refer to [Policies D-2 and D-3](#) in the [Public Works Pre-Approved Plans and Policies Manual](#) for design guidance, or contact Kirkland Surface Water staff at (425) 587-3800 for assistance. Based on the pre-submittal information provided by the applicant, this project should expect a Full Drainage Review. The



drainage review level and requirements may change based on the actual development proposal at the time of permit application.

2. **Calculating impervious surface area based on lot coverage: This is important for flow control analysis (hydrologic modeling purposes).** In accordance with KZC Chapter 115.90 – Calculating Lot Coverage. The regulation update allowed conventional (sand set) pavers to be counted as a “Partially Exempt Material”, allowed to received 50 percent exemption for zoning lot coverage for the area they cover, and up to 10 percent of the total lot size. Conventional pavers do not have to meet surface water mitigation specifications (e.g. not designed as LID BMP pervious pavers per Public Works Pre-Approved Plan CK-L-09). As a result, lots are allowed 10 percent more runoff generating surface area, and thus have to provide flow control accordingly. Furthermore, impervious surface areas shall also include frontage and street improvements – streets, sidewalks, trails, etcetera and shall be taken from the layouts of the proposed plans. Building footprint and driveways or building coverage shall be as follows:
 - For residential development, the assumed impervious coverage shall be the maximum impervious coverage permitting by the Kirkland Zoning Code (KZC) plus an additional 10%.
 - For commercial or multi-family development, the impervious coverage shall either:
 - Assume the maximum impervious coverage permitted by the KZC plus an additional 10% OR
 - Estimate impervious coverage from layouts of the proposal. If estimated from the layouts of the proposal, the impervious coverage shall include calculations of all impervious surfaces, including eaves. This option may require a Reduced Impervious Surface Limit to be recorded on the property.
3. A drainage report (Technical Information Report or TIR) must be submitted with the Land Use application or permit application. A downstream analysis is required for all projects (except for Basic Drainage Review).
4. This project is in a Level 2 Flow Control Area and is required to comply with core drainage requirements in the KCSWDM. Historic (forested) conditions shall be used as the pre-developed modeling condition for design of the stormwater detention system.
5. Evaluate the feasibility and applicability of dispersion, infiltration, and other stormwater Low Impact Development (LID) Best Management Practices (BMPs) per the KCSWDM. If feasible, stormwater LID BMPs are required to the maximum extent feasible. If LID BMPs are infeasible, pervious pavement cannot be used to reduce overall impervious lot coverage. The Private Maintenance Agreement will be recorded on all projects that construct a stormwater LID BMP or facility, per Policy D-7.



6. Soil information may be necessary for designing LID BMPs per the KCSWDM, and there are other reasons a soil report is necessary for a project (e.g., steep slopes, sensitive areas, etc.). Refer to Policy D-8 for details.
7. Special inspections may be required for LID BMPs on this project. Provide documentation of inspections by a licensed geotechnical professional that the BMP will function as designed.
8. If the project will create or replace more than 5,000 square feet of pollution generating impervious surface (PGIS), provide water quality treatment in accordance with the KCSWDM. The enhanced treatment level is required for multi-family residential, commercial, industrial projects, and single family residential projects with eight or more dwelling units per acre density.
9. Soil Amendment per Pre-Approved Plan E.12 is required for all landscaped areas.
10. All roof and driveway drainage must be tight-lined to the storm drain system or utilize low impact development techniques on-site.
11. Provide collection and conveyance of on-site and off-site storm drainage. Provide a plan and profile design for the storm sewer system. Size and material of construction shall be in accordance with the City Kirkland Pre-Approved Plans and Notes, unless a private owned and maintained facility. Refer to Policy [D-5](#) for details. It is anticipated that the on-site detention facility will be privately owned and maintained.
12. Maintenance access road(s) per Pre-Approved Plan CK-D.37 shall be provided to the control structure and other drainage structures associated with the detention facility (e.g., inlet, access openings, emergency overflow or bypass structures). Vehicular access to the drainage structures associated with the detention facility shall not be obstructed on a temporary or permanent basis without prior approval from the City. Location of parking stalls shall not obstruct maintenance access. Where maintenance access is required on a driveway that shares access to residential units, a min. 16' wide drive line is required to accommodate two-way traffic.
13. If working within an existing ditch, the applicant is hereby given notice that the Army Corps of Engineers (COE) has asserted jurisdiction over upland ditches draining to streams. Either an existing Nationwide COE permit or an Individual COE permit may be necessary for work within ditches, depending on the project activities. Applicants should obtain the applicable COE permit; information about COE permits can be found at: U.S. Army Corps of Engineers, Seattle District Regulatory Branch <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx>



Specific questions can be directed to: Seattle District, Corps of Engineers,
Regulatory Branch, CENWS-OD-RG, Post Office Box 3755, Seattle, WA 98124-3755,
Phone: (206) 764-3495

14. A Hydraulic Project Approval (HPA) from WA State Department of Fish and Wildlife (WDFW) may be required for this project. Contact Stewart Reinbold at WDFW at 425-313-5660 or stewart.reinbold@dfw.wa.gov for determination, obtain an HPA if required, and submit a copy to COK. If an HPA is not required, the applicant will be required to provide written documentation from WDFW as verification. More information on HPAs can be found at the following website: <http://wdfw.wa.gov/licensing/hpa/>
15. Construction Stormwater Pollution Prevention Plan (CSWPPP):
 - All proposed projects that will conduct construction activities onsite, or offsite must provide stormwater pollution prevention and spill controls to prevent, reduce, or eliminate the discharge of pollutants (including sediment) to onsite or adjacent stormwater systems or watercourses.
 - Refer to Core Requirement No. 5 in the KCSWDM and Policy D-12.
 - Provide an erosion control report and plan with the Building or Land Surface Modification Permit application. The plan shall be in accordance with the KCSWDM.
 - Construction drainage control shall be maintained by the developer and will be subject to periodic inspections. During the period from May 1 and September 30, all denuded soils must be covered within 7 days; between October 1 and April 30, all denuded soils must be covered within 12 hours. Additional erosion control measures may be required based on site and weather conditions. Exposed soils shall be stabilized at the end of the workday prior to a weekend, holiday, or predicted rain event.
16. If the total disturbed land area is one acre or greater, the following conditions apply:
 - The applicant is responsible to apply for a Construction Stormwater General Permit from Washington State Department of Ecology. Provide the City with a copy of the Notice of Intent for the permit. Permit Information can be found at the following website: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>
 - Among other requirements, this permit requires the applicant to prepare a Storm Water Pollution Prevention Plan (SWPPP) and identify a Certified Erosion and Sediment Control Lead (CESCL) prior to the start of construction. The CESCL shall attend the City of Kirkland PW Dept. pre-construction meeting with a completed SWPPP.
 - Turbidity monitoring by the developer/contractor is required for any surface water leaving the site.
 - A Stormwater Pollution Prevention and Spill (SWPPS) Plan must be kept on site during all phases of construction and shall address construction-related pollution generating activities. Follow the guidelines in the Ecology Pollution Prevention Manual for plan preparation.



Street and Pedestrian Improvement Conditions:

1. The subject property abuts the 116th Avenue NE and 120th Avenue NE rights-of-way. Zoning Code sections 110.10 and 110.25 require the applicant to make half-street improvements in rights-of-way abutting the subject property. Section 110.30-110.50 establishes that this street must be improved with the following:

The applicant is proposing to not access from 116th Avenue NE and instead access entirely from 120th Avenue NE. If an access/driveway is proposed over the existing stream, the City would expect this driveway to be a bridge/culvert to accommodate future daylighting of the stream. The following improvements are required in the 116th Ave NE right-of-way:

- A. Install an 8-ft wide bike/pedestrian connection between the end of 116th Ave NE and the Cross Kirkland Corridor; east of the existing pedestrian stairs. The connection shall be generally run north south in the unopened 116th right of way, but due to grades not to exceed 15% may need to go onto the subject property - provide a 10 ft wide public pedestrian easement in these situations. The existing path between the end of 116th and the existing pedestrian stairs may be utilized (confirm 8 ft width minimum) and then branch off to the east for the bike connection down to the CKC. More conversations will be needed to determine what this should look like.

If the applicant elects to access from 116th Avenue NE and not construct a driveway/bridge over the stream buffer, the following conditions apply:

116th Avenue NE

- A. The City is acceptable to the western portion of the project (west of the stream) accessing from the existing, undeveloped right-of-way of 116th Avenue NE assuming there will not be a through vehicular connection within the site and over the stream/buffer.
- B. Install a 20' wide public road with Type-A concrete curb and gutter on both sides.
- C. Install a 4.5-ft landscape strip behind the curb, with street trees 30 feet on-center.
- D. Install a 5-ft wide concrete sidewalk behind the landscape strip.
- E. Install a MUTCD Type 3 barricade at the end of the new public road.
- F. Coordinate with the Fire Department to determine if improvements will be needed at the 116th/107th intersection, or if a 20' wide access with an on-site turnaround is required.
- G. Remove and replace existing half-street improvements in substandard condition.
- H. Remove obsolete driveway cuts and replace with new frontage improvements.
- I. Identify and protect trees with retention value in the right-of-way.

Public Improvements Modification (KZC 110.70.3): The City may require or grant a modification to the nature or extent of any required improvement for any of the following reasons:



The Public Works Department recommends a modification to the required frontage improvements due to the topographic and physical constraints of the project and the unusual circumstances surrounding this right-of-way;

- A. Install a driveway apron at the 116th/107th Place intersection.
- B. Install a 20' wide road behind the driveway apron to the project entrance.
- C. Install an 8-ft wide bike/pedestrian connection along the 20' road and provide a direct connection to the CKC. More conversations will be needed to determine what this should look like.
- D. Coordinate with the Fire Department to determine if improvements will be needed at the 116th/107th intersection, or if a 20' wide access with an on-site turnaround is required.
- E. Remove and replace existing half-street improvements in substandard condition.
- F. Remove obsolete driveway cuts and replace with new frontage improvements.
- G. Identify and protect trees with retention value in the right-of-way.

Review KZC 110.70 for full details about Modifications, Deferments and Waivers, and Construction-in-Lieu, and details about granting authority consistent with the approval processes for short plats and subdivisions.

120th Avenue NE

- A. More conversations will be needed as the site plan progresses, but the City is contemplating requiring a 60' cul-de-sac at the very north end of the property. This would provide a fire turnaround.
 - B. There is no pedestrian connection on the east side of 120th. A sidewalk extension may be required.
 - C. The City is open to relinquishing the existing trail easement if and only if there is a connection to the CKC for the north multifamily/commercial development.
2. Meet the requirements of the Kirkland Driveway Policy R-4.
 3. Meet the requirements of the Kirkland Intersection Sight Distance Policy R.13. All street and driveway intersections shall not have any visual obstructions within the sight distance triangle.
 4. When three or more utility trench crossings occur within 150 lineal ft. of street length or where utility trenches parallel the street centerline, the street shall be overlaid with new asphalt or the existing asphalt shall be removed and replaced per the City of Kirkland Street Asphalt Overlay Policy R-7.
 - Existing streets with 4-inches or more of existing asphalt shall receive a 2-inch (minimum thickness) asphalt overlay. Grinding of the existing asphalt to blend in the overlay will be required along all match lines.
 - Existing streets with 3-inches or less of existing asphalt shall have the existing asphalt removed and replaced with an asphalt thickness equal or greater than



the existing asphalt provided however that no asphalt shall be less than 2-inches thick and the subgrade shall be compacted to 95% density.

5. This project abuts the Cross Kirkland Corridor (CKC) and the following conditions shall be met (KZC 115.24): Project to provide a pedestrian/bike connection directly from the 116th Avenue NE right of way to the CKC, regardless if site access is proposed from 116th Avenue NE or not. Project also required to provide an on-site connection to the CKC.
6. Prior to the final of the building or grading permit, pay for the installation of stop and street signs at the new intersections. Public Works will fabricate the signs and provide the developer with the poles and bases for the developer to install.
7. It shall be the responsibility of the applicant to relocate any above-ground or below-ground utilities which conflict with the project, associated street, or utility improvements.
8. Underground all new and existing on-site utility lines and overhead transmission lines. Underground any new off-site transmission lines.
9. Zoning Code Section 110.60.7.b establishes the requirement that existing utility and transmission (power, telephone, etc.) lines on-site and in rights-of-way adjacent to the site must be underground. The Public Works Director may determine if undergrounding transmission lines in the adjacent right-of-way is not feasible and defer the undergrounding by signing an agreement to participate in an undergrounding project, if one is ever proposed. In this case, the Public Works Director has determined that undergrounding of existing overhead utility on _____ is not feasible at this time and the undergrounding of off-site/frontage transmission lines should be deferred with a Local Improvement District (LID) No Protest Agreement.

A recording note must be included on the subdivision or short plat recording. Refer to the attached list of recording notes and provisions, and use the note called "Local Improvement District (LID) Waiver Agreement".
10. New LED street lights may be required per Puget Sound Energy (PSE) design and Public Works approval. Contact PSE or a third-party consultant may perform lighting analysis. If new lighting or upgrades are necessary, design plans must be submitted for review prior to issuance of an LSM or building permit. Contact PSE Street Lighting Account Manager: Lyndsey Goldsmith at Lyndsey.Goldsmith@pse.com, 425-396-3838 or 425-395-5225.
11. A striping plan for the street must be submitted with the building or grading permit.

KIRKLAND CKC





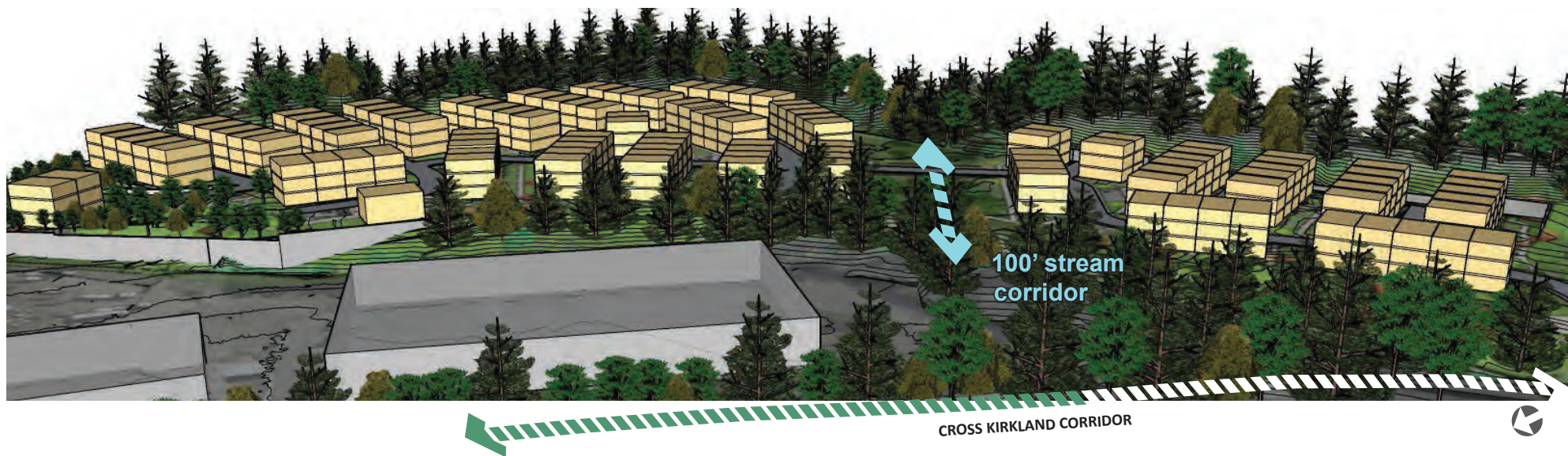
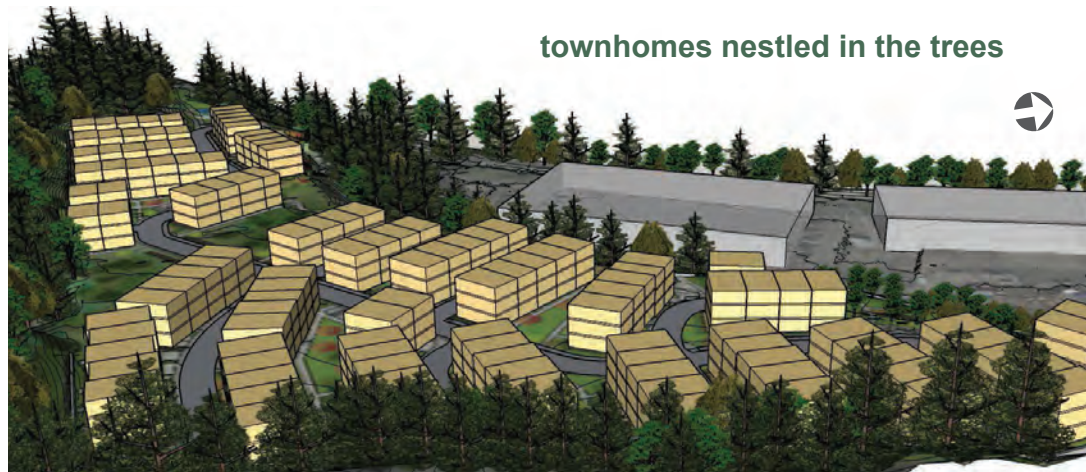
Site Context

Toll Brothers
America's Luxury Home Builder®



BLUELINE

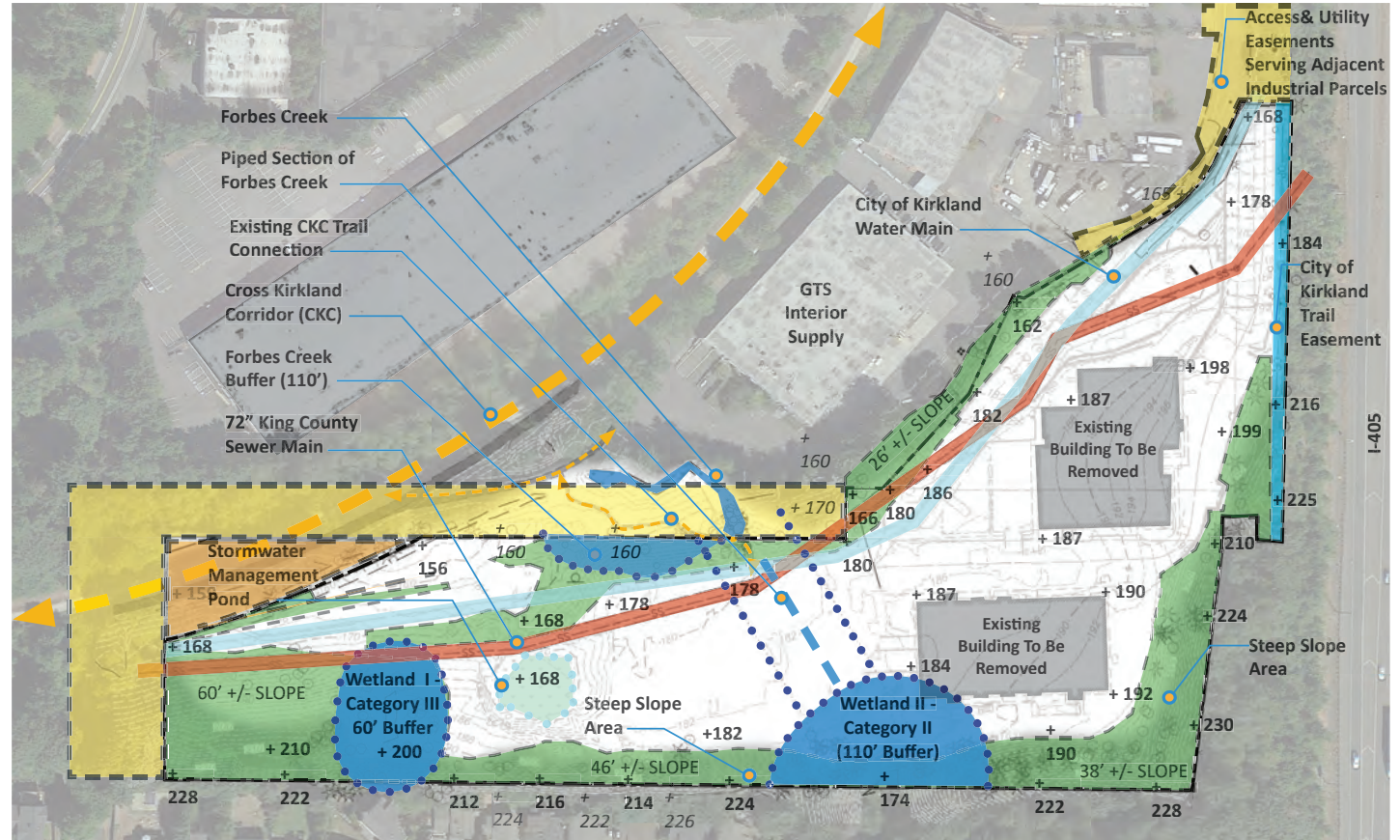




Site Massing

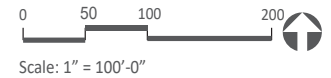
Existing Conditions:

- The site is occupied by two light industrial buildings with a parking lot.
- The Cross Kirkland Corridor is immediately adjacent to the site with existing access to the trail.
- I-405 is located along the eastern boundary, but is sheltered from the site by a wooded slope.
- The Forbes Creek buffer runs diagonally through the site.
- Steep slopes of 15+% border the site at the south and eastern boundaries.
- Existing light industrial uses to the north sit below the site.
- A regional 72-inch sewer main runs the length of the site.
- A wetland area has been identified in the western portion of the site.



Legend

- Right-of-Way / Access Easement
- Wetland Buffers



Site Analysis

