



**CITY OF KIRKLAND**  
**Planning and Building Department**  
123 5th Avenue, Kirkland, WA 98033  
[www.kirklandwa.gov](http://www.kirklandwa.gov) ~ 425.587.3600

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## **SUMMARY OF DECISION – DESIGN REVIEW MINOR MODIFICATION**

**Date:** June 25, 2020

**Project Name:** Village at Totem Lake – Phase II (Upper Mall)

**File No.:** DRV16-00914

**Applicant:** Ed McCoy with Fairfield Totem Lake LLC

**Project Planner:** Scott Guter, AICP, Senior Planner

**Decision:**  **Approved with Conditions**  
 **Approved**  
 **Denied**

### **I. REQUEST**

The subject property is located at 12670 120<sup>th</sup> Ave NE (see Attachment 1). The applicant, Ed McCoy with Fairfield Totem Lake LLC, has applied for a minor modification to revise the mid-block pedestrian connection design between the Village at Totem Lake and EvergreenHealth that was approved with the Village at Totem Lake – Phase II project, File No. DRV16-00914 (see Attachment 2, Exhibit A). The project is currently under construction. The applicant has expressed that the proposed changes to the approved pedestrian connection design are out of concerns of its usability, ADA accessibility liability, maintenance, safety, and overall security. These concerns are outlined in detail in the letter of Attachment 2, and is further supported in a letter by Ty Heim, Executive Director of Design, Construction & Facilities Services for EvergreenHealth (see Attachment 2, Exhibit C).

The applicant is requesting to replace the approved pedestrian connection with a hillside linear park located along 120<sup>th</sup> Avenue NE next to EvergreenHealth's DeYoung Pavilion (see Attachment 3). This park location is identified in the Totem Lake Urban Center Enhancement + Multimodal Transportation Network Plan as a mechanism to encourage movement between the Village at Totem Lake, EvergreenHealth, and the Kingsgate Neighborhood. The park is identified within the Hillside opportunities section of the plan on pages 78 – 81. The plan can be viewed online at:

<https://www.kirklandwa.gov/Assets/Totem+Lake+Enhancement+Plan.pdf>

## II. CONDITIONS OF APPROVAL

Based on the analysis and attachments in this report, staff approves the modifications of the project described in Section IV below subject to the following conditions:

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances.
2. As part of the application for a building permit, the applicant shall submit:
  - a. Plans consistent with the designs shown in Attachment 2.
  - b. Prior to final inspection of a Building and/or Land Surface Modification permit by the Planning Official, the applicant and EvergreenHealth shall provide, in a form acceptable to the City Attorney, a public access, maintenance and operations easement encompassing the proposed improvements with this modification request.

## III. BACKGROUND

The subject property is located at 12670 120th Ave NE. On September 19, 2016, the DRB approved the Design Response Conference application for the Village at Totem Lake – Phase II (Upper Mall) project. Various project components are currently under construction.

On September 22, 2017, the applicant submitted a minor modification request to modify the DRB approved design. The modifications to the building's exterior were a result of further refinement of the floor plan design and engineering requirements as the project progressed from the DRB approval to the building permit. Staff consulted with the DRB on the applicant's modification request on December 18, 2017.

On August 8, 2019, the applicant submitted a minor modification request to modify the DRB approved plaza design. Staff consulted with the DRB on the applicant's modification request on September 4, 2019.

The staff memos can be found at the following website under their respective meeting date:

[http://www.kirklandwa.gov/depart/planning/Boards and Commissions/DRB Meeting Information.htm](http://www.kirklandwa.gov/depart/planning/Boards_and_Commissions/DRB_Meeting_Information.htm)

On December 18, 2019, the applicant submitted the current minor modification request to modify the revise pedestrian connection between the Village at Totem Lake and EvergreenHealth. The DRB approved pedestrian connection is designed to link with a previously constructed pedestrian connection in the Totem Lake Transit Center located in Evergreen Health's DeYoung Pavilion.

On May 18, 2020, the Chair of the DRB reviewed the proposed modification at the request of staff. His comments can be found in Attachment 4. The Chair supports the applicant's request but brings up concerns over what he sees as potential pedestrian/vehicle/bicycle conflicts. The project's proposed sidewalk and vehicular circulation has been reviewed and approved by the City's Public Works Department. Public Works Transportation Manager, Joel Pfundt, responds to the Chair's concerns in Attachment 5.

#### IV. ANALYSIS

The Planning Official may approve a modification to the Design Review approval if it meets the criteria in Kirkland Zoning Code (KZC) Section 142.50. Attachment 2 contains the applicant's response to the criteria. Staff considers the proposed modification minor. However, staff consulted with the DRB Chair prior to deciding on the proposed changes to the revise pedestrian connection between the Village at Totem Lake and EvergreenHealth.

Below are the applicable modification criteria followed by staff analysis:

**1. *The need for the modification was not known and could not reasonably have been known before the D.R. approval was granted***

Staff Analysis: The approved connection was schematic and did not describe the challenges to accomplish the connection. This point was brought up by the applicant in Attachment 2 and supported by the DRB Chair in Attachment 4. These statements support that such changes could not have been known before DRB approval was granted.

**2. *The modification is minor and will not, in any substantial way, change the proposed development or violate any requirement imposed by the Design Review Board. The Planning Official may consult with the Design Review Board in his/her decision.***

Staff Analysis: Staff reviewed the modification request for consistency with the DRB approval. Additional input was sought from the DRB Chair given the minor nature of the request and inability to meet with the entire DRB due to the COVID-19 public meeting restrictions in place at the time. On May 18, 2020, the DRB Chair reviewed the proposal and supported the proposed modification (see Attachment 4).

The proposed modification is also supported by EvergreenHealth (see Attachment 2, Exhibit C).

Shifting the required mid-block pedestrian connection to 120<sup>th</sup> Avenue NE provides a safe, more-functional, pleasant, pedestrian-friendly, and useable walkway and gathering area between EvergreenHealth and the Village at Totem Lake properties. It is also consistent with the access requirements in the DeYoung Pavilion's DRB approval (see Attachment 6, Section II.C.2.a(1) and (3)), and the Totem Lake Urban Center Enhancement + Multimodal Transportation Network Plan. Additionally, the proposed design is consistent with the Totem Lake Mall Amended Conceptual Master Plan (CMP) pedestrian circulation requirement. The pedestrian circulation

requirement for the mall is identified on pages 8 – 9 and shown in Exhibit 3 of the CMP. The CMP can be viewed online at:

<https://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Totem+Lake+Mall+Amended+CMP.pdf>

Staff therefore finds that the modification is minor and will not, in any substantial way, change the proposed development or violate any requirement imposed by the Design Review Board.

Prior to final inspection of a Building and/or Land Surface Modification permit by the Planning Official, the applicant and EvergreenHealth should provide, in a form acceptable to the City Attorney, a public access, maintenance and operations easement encompassing the proposed improvements with this modification request.

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

Staff Analysis: The proposed modifications are consistent with applicable design regulations and guidelines and the Comprehensive Plan as conditioned.

**V. ATTACHMENTS**

1. Vicinity Map
2. Modification Request Letter and Applicant's Plans
3. Hillside Park Location Aerial
4. DRB Chair Review
5. Public Works Comments
6. DRB Decision, Evergreen Healthcare Gateway Center Project

cc: Design Review Board  
Public Works, Tuan Phan and Joel Pfundt  
Applicant & Parties of Record List in File No. DRV16-00914 (Village at Totem Lake – Phase II)  
Garrett Buckingham, Director of Design and Construction, EvergreenHealth,  
[Gbuckingham@evergreenhealthcare.org](mailto:Gbuckingham@evergreenhealthcare.org)



# Village at Totem Lake, DRV16-00914

ATTACHMENT 1  
Village at Totem Lake - Phase II  
File No. DRV16-00914



### Legend

- City Limits
- Streets
- ▭ Parcels
- ▭ Parks
- ▭ Schools
- ▭ Design District
- City Zoning**
- ▭ Commercial
- ▭ Industrial
- ▭ Transit Oriented Development
- ▭ Office
- ▭ High Density Residential
- ▭ Medium Density Residential
- ▭ Low Density Residential
- ▭ Institutions
- ▭ Park/Open Space

1" = 6,000'



1,000.0 0 500.00 1,000.0 Feet

NAD\_1983\_StatePlane\_Washington\_North\_FIPS\_4601\_Feet

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Notes



November 19, 2019

Mr. Scott Guter  
Associate Planner  
City of Kirkland  
123 Fifth Avenue  
Kirkland, WA 98033

RE: Case No.: DRV16-00914  
Village at Totem Lake – Phase II  
Design Review Approval Modification Request

Dear Scott:

Fairfield Totem Lake LLC (“Fairfield”), with the support of EvergreenHealth (“EH”) and Village at Totem Lake, LLC (“CenterCal”), respectfully submit this request for Modification to Design Review Case No. DRV16-00914 to modify the pedestrian connection between the Village at Totem Lake – Phase II and EH. Fairfield proposes to install a Hillside Park on the 120<sup>th</sup> Avenue Evergreen frontage. The Hillside Park will be funded entirely by Fairfield and CenterCal, and will be maintained by the Upper Mall Owners Association. Please see attached Exhibit A identifying the “Evergreen Connection” included in the Design Review Approval that we request to be removed and Exhibit B identifying the design improvements of the Hillside Park on 120<sup>th</sup> Avenue. This Modification request is submitted in accordance with Kirkland Zoning Code Section 142.50, which provides either Planning Official or DRB approval authority for such a Modification based on the following findings:

1. The need for the modification was not known and could not reasonably have been known before the Design Review Board approval was granted.
2. The modification is minor and will not, in a substantial way, change the proposed development or violate any requirement imposed by the Design Review Board
3. The development that will result from the modification will be consistent with the design regulations, design guidelines and Comprehensive Plan.

This request for Design Review Modification is reflected in the positions addressed in the letters attached as Exhibit C from EH Executive Director of Design, Construction & Facilities, Ty Heim dated July 30, 2018 and the letter from Fairfield dated August 2, 2018. EH and Fairfield share a number of concerns regarding this pedestrian connection including usability, ADA accessibility liability, maintenance, safety and overall security.

Fairfield’s initial involvement in the project was during the DRB process. At that time, the Evergreen Connection was already identified as a project component. However, the approved DRB design for this connection was very schematic and not detailed to fully understand the challenges for this connection to be viable. While Fairfield was aware this Evergreen Connection was included during the Design Review Board process, we were not aware of the magnitude of constraints to implement this component nor was the overall safety of the users nor the liability of the owners considered. The physical constraints to comply with Federal ADA requirements, public safety and security concerns and a necessary easement from the adjacent landowner were not known to be problematic at the time of approval. In addition, the design was not yet sufficiently mature to discern that the connection was planned for a location that is remote to the public and, as a result, inherently vulnerable to crime.

Mr. Scott Guter  
June 14, 2019  
Page 2

After discussions with City Staff, a Design Review Modification to eliminate the Evergreen Connection along the slope between EH and Villages at Totem Lake and replace that pathway with an enhanced 120<sup>th</sup> Avenue frontage Hillside Park was identified as a more suitable alternative to achieve the City's Multimodal Transportation Corridor goals. Users are more likely to utilize the lighted walkways and seating areas at this intersection rather than the previous Evergreen Connection between EH and Fairfield. Due to the restrictions of the Evergreen Connection unknown at the time of approval and the availability for a better alternative, we believe the Modification meets the threshold of the first criteria to approve this request.

In accordance with the second criteria stipulated in Kirkland Zoning Code, this request to replace the pedestrian connection is minor in nature. The Design Review Approval envisioned pedestrian connectivity as part of the Evergreen Health Campus Master Plan and the Villages at Totem Lake project. Removal of the constrained pedestrian pathway from the Design Review Approval in exchange for an enhanced corner park is a more suitable alternative for intended users and creates a more direct connection to the transit center on the EH property. Therefore, the connectivity still exists, albeit with enhanced public amenities.

The third criteria necessary to approve this DRB Modification is met due to the fact the proposed alternative Hillside Park and 120<sup>th</sup> Avenue enhanced pedestrian path is consistent with City of Kirkland design guidelines, regulations and the Comprehensive Plan.

As stated above, Fairfield and EH submitted letters to the City for review and comment. During these discussions, Staff identified the following discretionary entitlement modifications necessary to implement this request:

- Amend the Agreement to Extend and Amend Redevelopment Agreement for Totem Lake Mall adopted by Resolution R-5109 dated March 3, 2015.
- Modify Design Review Board Decision: Village at Totem Lake – Phase II, dated March 13, 2017, including Design Review Minor Modification dated May 14, 2018.
- Modify the Conceptual Master Plan and the Totem Lake Mall Conceptual Master Plan.

With this submittal Fairfield requests to modify the Extended and Amended Redevelopment Agreement and Design Review Approval identifying the Hillside Park and 120<sup>th</sup> Avenue enhancements as the pedestrian path component of the above documents.

Based on the criteria provided in the Kirkland Zoning Code described above and detailed in this request, we believe there is sufficient support to grant the Modification to the Design Review Approval and amend the Redevelopment Agreement.

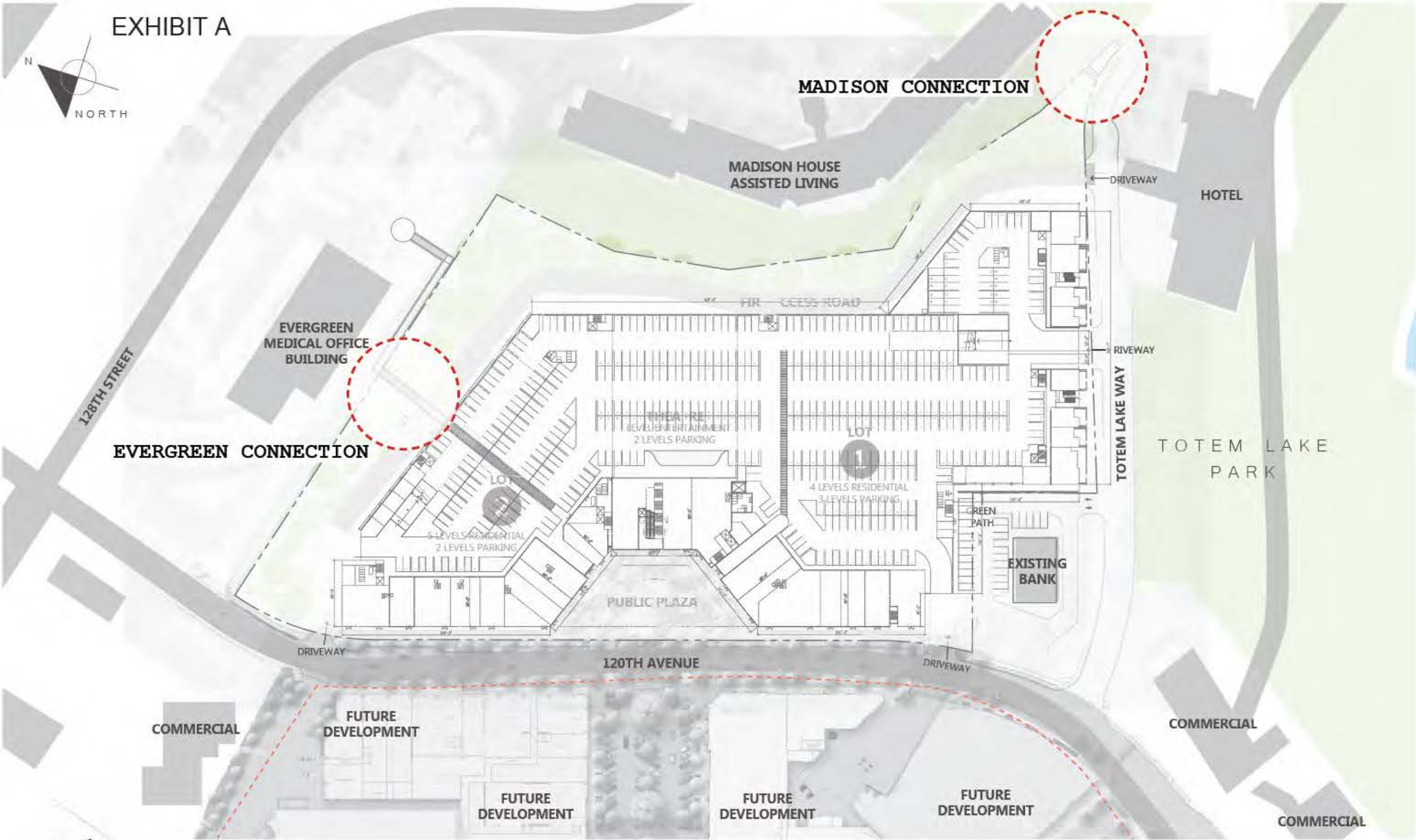
Sincerely,

Ed McCoy  
Senior Vice President

Cc: Garrett Buckingham-EvergreenHealth  
Elizabeth Clipp-CenterCal  
Sean Dennison-CenterCal  
Jenna Woods-Fairfield Residential



# EXHIBIT A

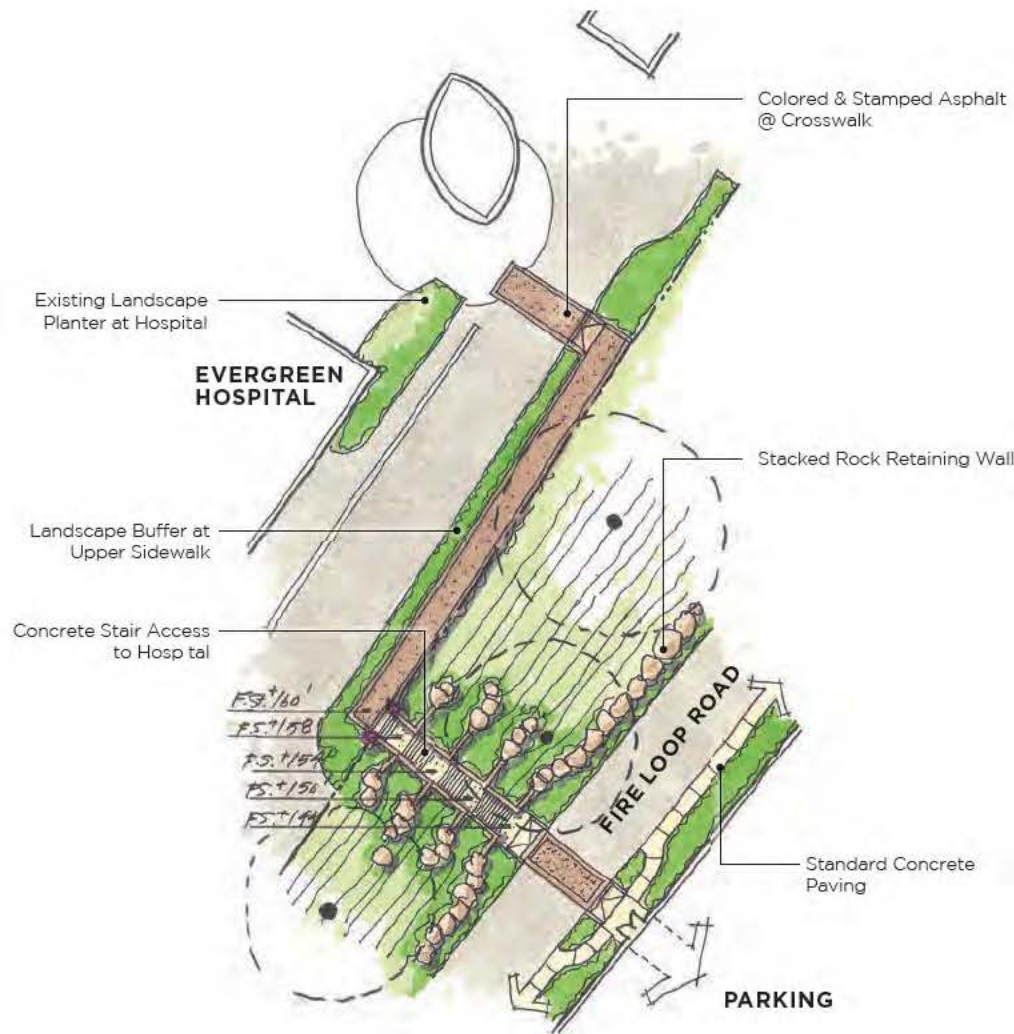


**FAIRFIELD**  
RESIDENTIAL

content CONNECTIONS LOCATION

/ project 5638.00 / date 09.12.2016

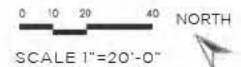
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**carrierjohnson + CULTURE**



**EVERGREEN CONNECTION PLAN**



**MADISON CONNECTION PLAN**



**FAIRFIELD**  
 RESIDENTIAL





**VILLAGE AT TOTEM LAKE PHASE II**  
 12560-12632 120 TH AVENUE NE  
 KIRKLAND, WA, 98034

THIS SET OF DOCUMENTS HAS BEEN PREPARED FOR THE CONSTRUCTION OF AN IMPROVED PROJECT. IT IS THE RESPONSIBILITY OF THE USER TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED HEREIN.

DATE: 08/20/2016

PROJECT NO.	12560-12632
DATE	08/20/2016
DESIGNER	ANIL VERMA ASSOCIATES, INC.
CLIENT	EVERGREEN HOSPITAL
PROJECT NAME	VILLAGE AT TOTEM LAKE PHASE II
PROJECT LOCATION	12560-12632 120TH AVENUE NE, KIRKLAND, WA 98034
PROJECT STATUS	CONCEPTUAL DESIGN

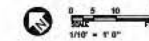
Conceptual Street Improvement Plan  
 SHEET 1 OF 1

**EXHIBIT B**



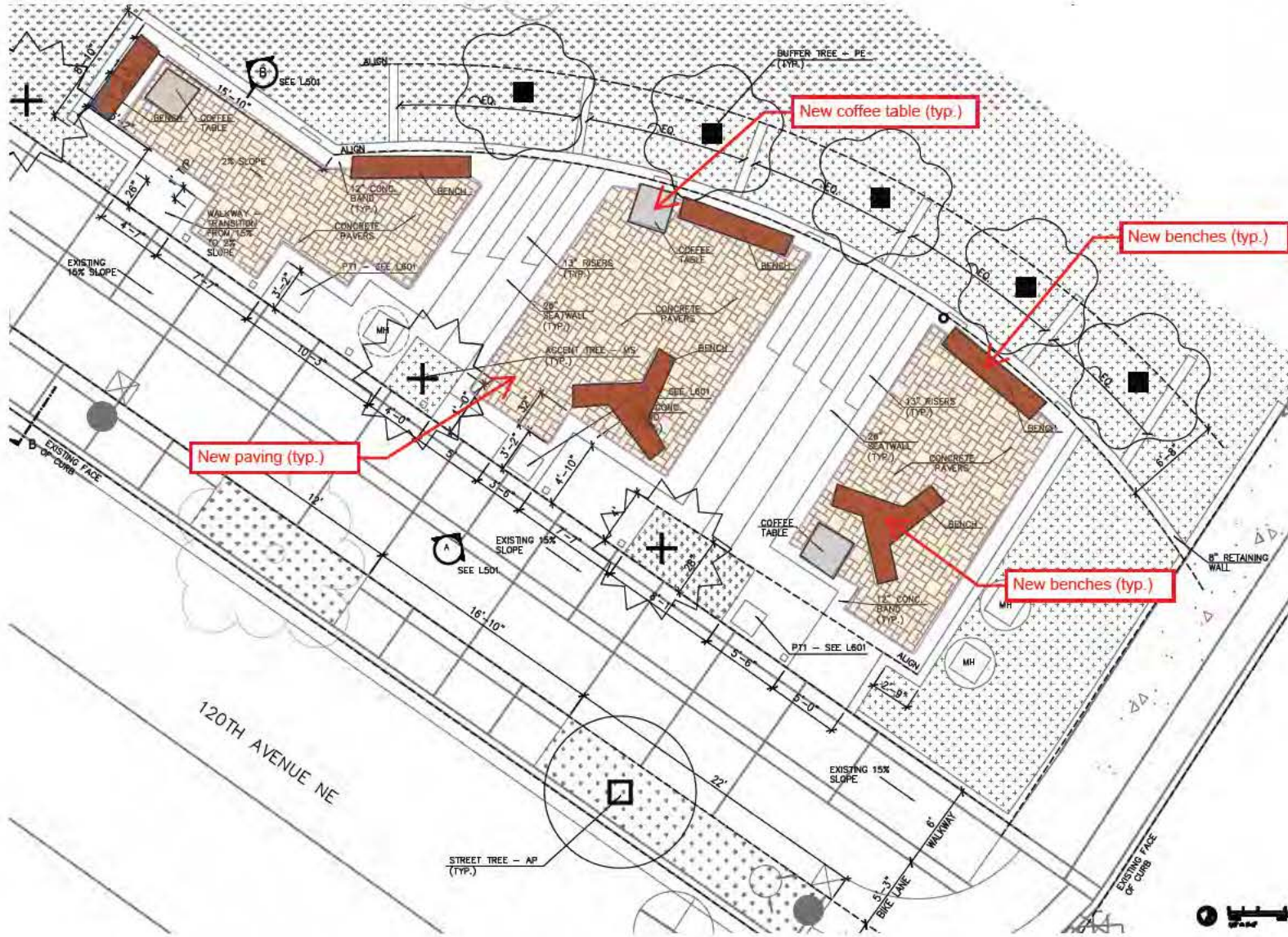
OVERALL 120TH AVENUE NE / EVERGREEN FRONTAGE PLAN

SCALE 1/10" = 1'-0"

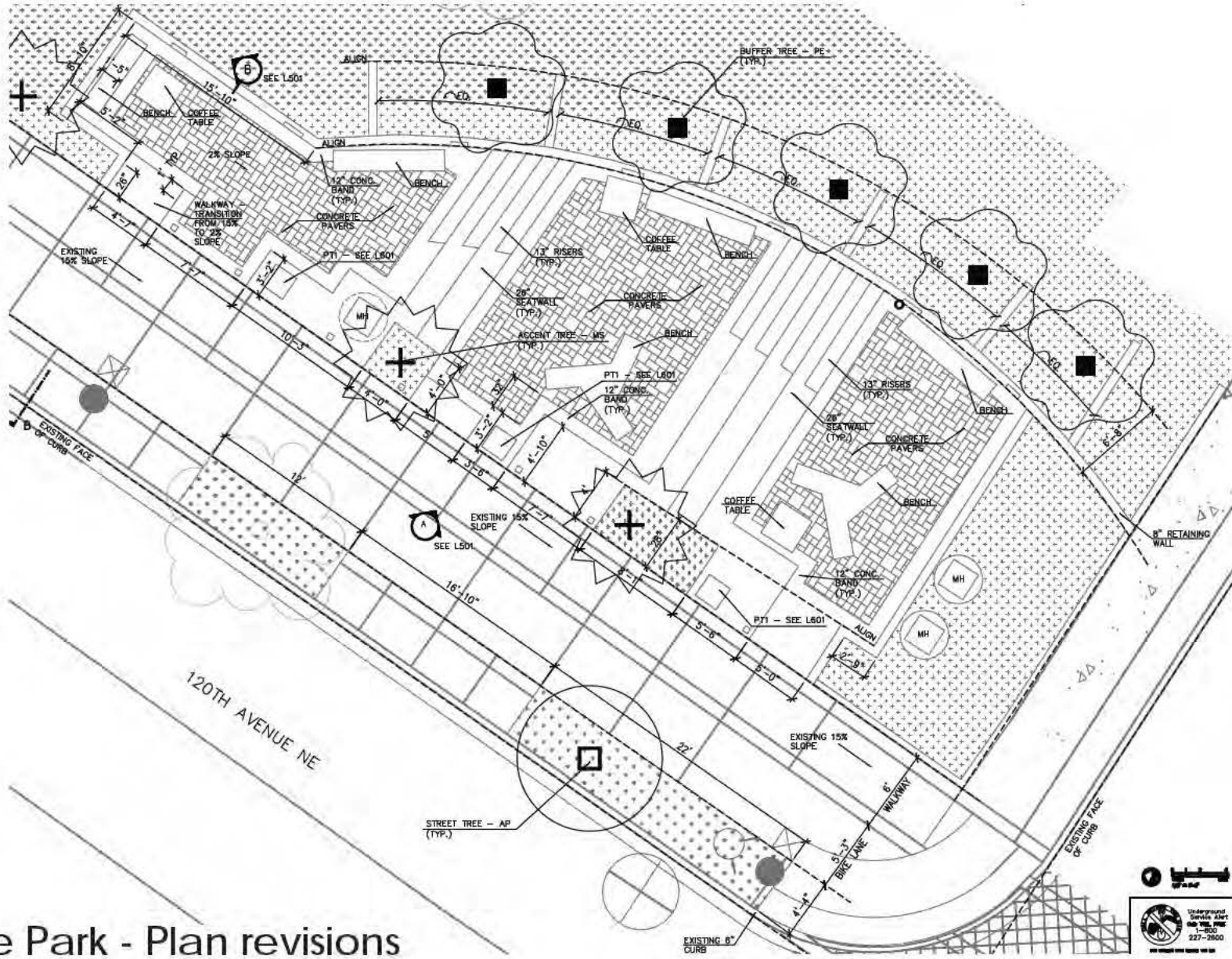


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Hillside Park - Plan revisions






Hillside Park - Plan revisions







## TREE LEGEND - Sunset Western Garden Zone 4

SYMBOLS	BOTANIC NAME	COMMON NAME	SIZE	SPACING	QUANTITY	WUCOLS COEFFICIENT	WATER USAGE	SOIL pH PREFERENCE	REMARKS
	MS Magnolia x soulangiana	Saucer Magnolia	B&B: 6' HT X 36" SPRD, Per Plan 1"-2" CALIPER		5	.2	Low	Sandy/ Loam (pH 6.5-7.5)	Standard
	AP Acer platanoides Match (E) Street Tree	Norway Maple	B&B: 6' HT X 48" SPRD, Per Plan 1-1/2"-3" CALIPER		3	.2	Low	Sandy/ Loam (pH 6.5-7.5)	Standard
	Existing Tree (Protect in Place)	Refer to Arborist Report	---	---	---	---	---	---	Refer to Tree Protection Notes on LB01. Refer to Arborist Report


## SHRUB LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QUANTITY	PAVING SETBACK	WUCOLS COEFFICIENT	WATER USE	SOIL PREFERENCE
SHRUBS									
	BU Buxus sinica	Korean Boxwood	5 gal.	24" o.c.	---	12" from edge	.5	Medium	pH 5.6-7.5
	PA Pennisetum alopecuroides 'Moudry'	Black Fountain Grass	1 gal.	24" o.c.	---	12" from edge	.2	Low	pH 6.1-7.8
	MA Mahonia aquifolium	Oregon Grape	3 gal.	30" o.c.	---	15" from edge	.5	Medium	---

## SHRUB AREA LEGEND

SYMBOLS	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	PAVING SETBACK	WATER USAGE	WUCOLS COEFFICIENT	REMARKS
	FC Fragaria chiloensis	Coast Strawberry	---	---	---	---	---	---
	FO Festuca ovina glauca 'Elijah Blue'	Elijah Blue Fescue	1 gal.	18" O.C.	9" from edge	.2	Low	---
	RN Rosa x 'Noone'	Red Carpet Rose	3 gal.	20" O.C.	12" from edge	.5	Medium	---
	---	Existing vegetation	---	---	---	---	---	---

## VINE LEGEND

VINES									
SYMBOLS	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY	SPACING	WUCOLS COEFFICIENT	WATER USAGE	REMARKS	
	CA Clematis arvensis	Evergreen Clematis	15 gal.	9	Per Plan	.5	Medium	(pH -----)	

# Hillside Park - Planting palette



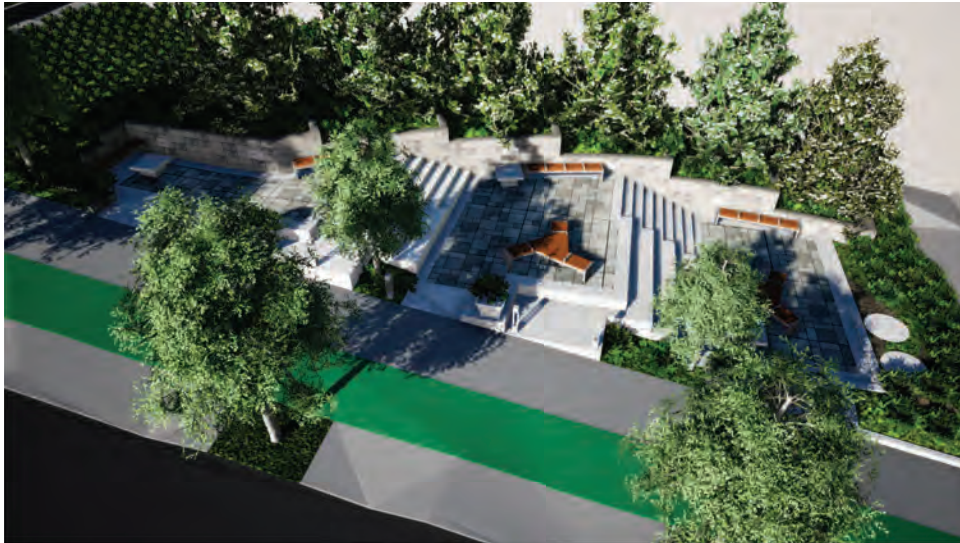
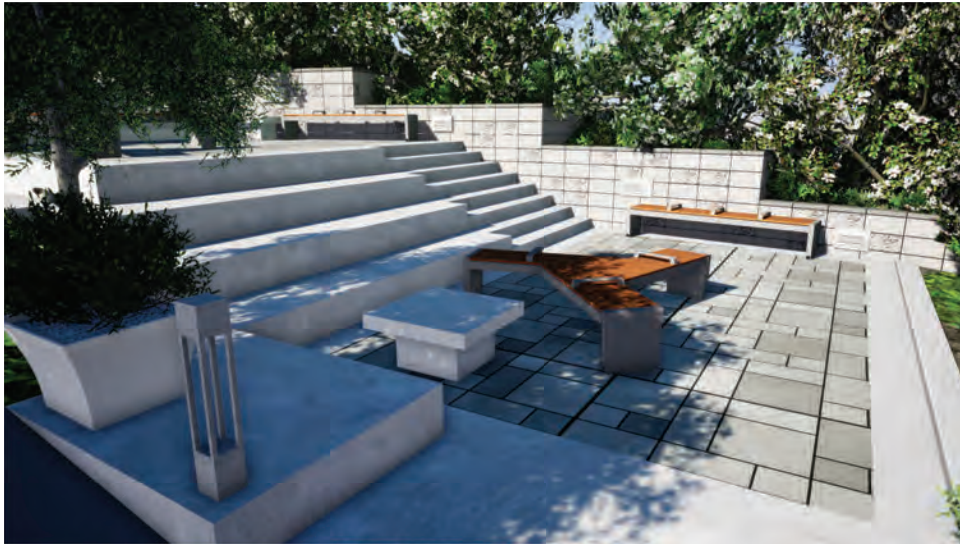
Grid Pattern



Similar pattern

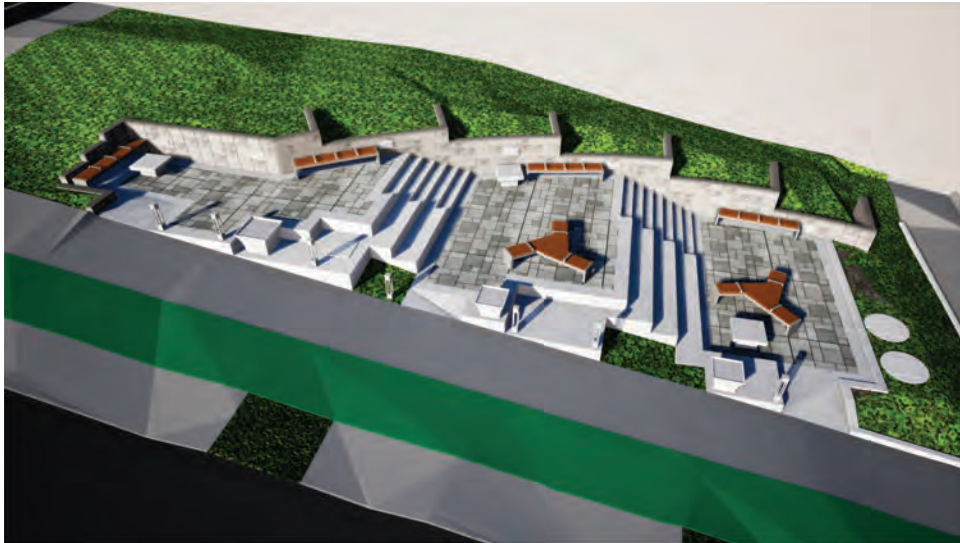
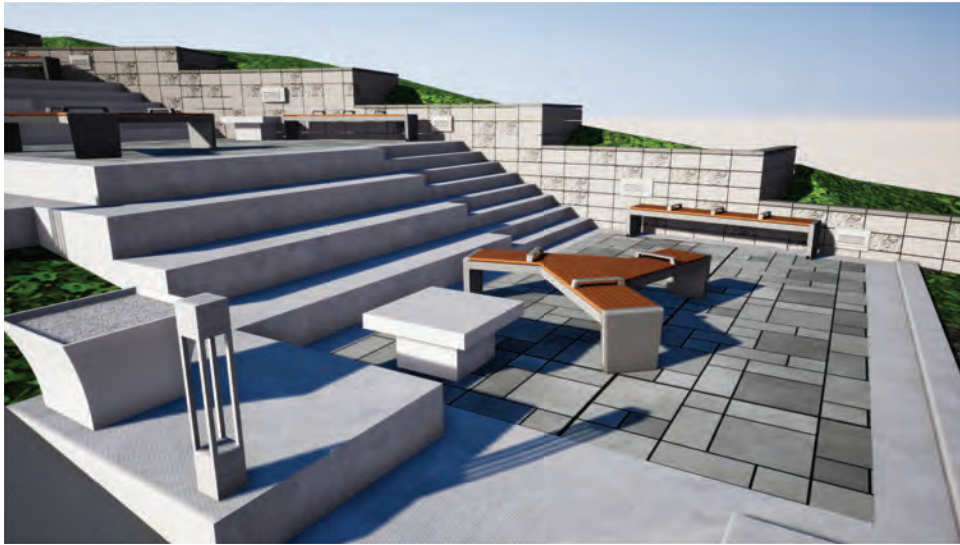
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## Hillside Park - CMU Wall Design



Hillside Park - Grid Design





Hillside Park - hardscape only



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Forms & Surfaces - Vector Bench Family



Forms & Surfaces - Vector Bench Family

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## Hillside Park - Site Furnishings

## EXHIBIT C

Letters from EvergreenHealth and Fairfield Totem Lake regarding the Evergreen  
Pedestrian Connection



July 30, 2018

Mr. Scott Guter  
Associate Planner  
City of Kirkland  
123 Fifth Ave  
Kirkland, WA 98033

Re: EvergreenHealth to Village at Totem Lake mid-block pedestrian connection

Dear Mr. Guter,

We have been discussing with our neighbors at the Village the nature of this connection. With virtually full design of their project and details of this connection, we have serious concerns about the basic concept. While it may have been a worthy idea 10+ years ago when the respective Evergreen and Totem Lake Mall campus and bus transit center were assembled, given how the Evergreen campus has evolved and the final mall design, and indeed the new brisk redevelopment of the neighborhood, we respectfully request this connection be removed from the Master Plans linking our property, for the following reasons:

**1. Impractical and Undesirable Usability.** While a pedestrian could traverse between the campuses, given the orientation east/west of the main Village axis and the fact that on neither end of the connection do you end up at a major "gateway" entry, its desirability to either property or a pedestrian is very poor. Indeed, your entry points off the pathway on both ends are parking garages.

**2. ADA Accessibility.** The Village is to be applauded for working through many options to arrive at a pathway that is as ADA accessible as they can make it. Unfortunately, on the Evergreen end, the pathway does not remain safely ADA accessible unless Evergreen makes major modifications to its garage and/or agrees to keep the DeYoung Pavilion elevators operational and accessible past normal building hours. Given DeYoung now houses procedural space that entail full drug stocking and significant expensive equipment, and the building/elevators were designed for full or no locking, this poses a serious security risk and concern.

**3. Maintenance.** The new pathway, unless the Village or the City assumes maintenance responsibility in perpetuity, is a cost concern to Evergreen. It is already a challenge to cover costs of must-have maintenance needs of the operation, without adding nice-to-haves of what we envision to be very marginal utility. Of most serious concern would be icing of the sloped surface on cold days but also just how slick infrequently used sloped concrete can get due to algae growth and our all too frequent rain.

**4. Safety and Security.** This overlaps with the above items in some ways as to security of our building but moreover the safety of pedestrians using the pathway. The slip/fall hazard is noted above. The other concern is that there is no oversight of this area of the campus, even during the day. Should someone fall or be mugged or skateboarders become enamored with the great sloped run, our Safety Officers are usually fully engaged with difficult patients, family crises and

other aspects primary to our mission. Those resources are stretched thin on good days and frequently oversubscribed within the hospital. Protection at the far edge of the campus will at best be spotty and in many cases simply unavailable due to more pressing needs within the hospital proper. Similarly we doubt City of Kirkland Police Department would seek additional area of concern either.

With all the above, while we generally endorse and encourage walking connectivity throughout the Totem Lake Neighborhood, we really think the safest, most practical and cost effective pathway between our campuses is adequate sidewalks along 120<sup>th</sup>. We request amendment of our Master Campus Plan and that of the Village, along with any associated development agreements, to reflect this logical reality. We have discussed this matter with the Village ownership and they also share our concerns and support the amendment request.

As always, we would be available to discuss the matter and next steps further. We would appreciate your support to make this minor modification.

Very truly,

A handwritten signature in black ink, appearing to read 'Ty M. Heim', with a long horizontal line extending to the right.

Ty M. Heim  
Executive Director of Design, Construction & Facilities Services  
EvergreenHealth

Cc: Ed McCoy / Fairfield Development  
Tom Youtsey / CBRE  
Eric Shields / City of Kirkland  
Jon Regala / City of Kirkland  
Elizabeth Clipp / CenterCal

August 2, 2018

Mr. Scott Guter  
Associate Planner  
City of Kirkland  
123 Fifth Avenue  
Kirkland, WA 98033

RE: EvergreenHealth - Village at Totem Lake Pedestrian Connection

Dear Scott:

As requested, this letter is provided as a summary of Fairfield's efforts to design a pedestrian connection between EvergreenHealth (EH) and the Village at Totem Lake Upper Mall. Your request is in response to EH's letter dated July 30, 2018, wherein EH requested that the pedestrian connection between their facilities and the Upper Mall site be eliminated. In their letter, Ty Heim outlines a number of concerns, including undesirable usability, ADA accessibility, maintenance, and overall safety and security. Both Fairfield and CenterCal support EH's request to eliminate this connection due to the cited concerns.

Fairfield's initial involvement in the project was during the DRB process. At that time, the pedestrian connection was already identified as a project component. The approved DRB design for this connection was not ADA compliant (see attached Exhibit A). Fairfield spent many months and design costs to evaluate a number of pedestrian access options that would be ADA compliant. The design team finally settled on Option #10, which provided an ADA compliant path and had the best constructability given the geotechnical conditions of the slope. I have provided each of the options we pursued (see Exhibit B), along with the final design package for Option #10 (see Exhibit C). As you can see, a lot of time and expense was put into the effort.

During our design efforts, we contacted EH so that they could review the plans and provide input before they were finalized and submitted to the City for plan check. Additionally, any design option would require an easement between our two properties. During these discussions, EH expressed concerns with the safety and security of the area, as well as the other issues stated in their letter. As previously stated, Fairfield shares their concerns, as this connection is in the rear of our site, and enters into an unsecured parking garage. While we have spent a lot of time and money to ensure compliance with the approved DRB plans, we will not be able to implement the connection without EH concurrence and easement. We do believe it is in EH and Fairfield's best interests to eliminate this connection.

In summary, Fairfield respectfully requests that the City proceed with a modification of the EH Master Plan and eliminate the pedestrian connection requirement for the Upper Mall approvals. We are available to discuss this issue at your convenience.

Sincerely,



Ed McCoy  
Senior Vice President

Cc: Ty Heim-EvergreenHealth  
Elizabeth Clipp-CenterCal



# Hillside Park Location

ATTACHMENT 3  
Village at Totem Lake - Phase II  
File No. DRV16-00914



- Legend**
- Streets
  - Parcels
  - Place Names

1" = 1,200'



### Notes

200.0      0      100.00      200.0 Feet

NAD\_1983\_StatePlane\_Washington\_North\_FIPS\_4601\_Feet

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## Scott Guter

---

**From:** Tim Olson  
**Sent:** Monday, May 18, 2020 2:44 PM  
**To:** Scott Guter  
**Subject:** Re: Village at Totem Lake - Pedestrian Connection Modification Request

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Current Land Use, Village at Totem Lake

Hi Scott,

Thanks for the opportunity to comment on the modification request. In general I think it looks great; many of the unresolved issues with the pedestrian connection we approved way back in 2016 will be solved with this proposal. Ed McCoy is right that the original design was VERY schematic and general; at the time we honestly knew it would probably come back for further review and analysis. The seemingly endless stairs and ramps to climb the grade between the Village and the parking garage was a head scratch-er...and the termination at the parking garage was into an open parking floor with more stairs to get to the bus lane level. It was only included as an element in an earlier master plan drawing/diagram.

That section of 120th Ave NE north of the Village is quite steep; the hardscaped park, with multiple levels of seating and "entries" will provide both a visual and functional break for pedestrians. I notice there appear to be separate sidewalks (pedestrians) and bike lanes, although they seem to be co-planar and connected (even onto the Village property south of the loop road). Do we know if there will be separate paving materials or textures? The numerous curb cuts will be a challenge, on sloping and warped/curved surfaces.

I am a bit concerned with the interaction/conflict with pedestrians and bikers as they cross the loop road; the loop road at that point is also a major entrance/exit for a good chunk of the parking garage (the original design had the pedestrian crossing east of the garage entry/exit...and an even earlier proposal had a bridge from the apartment plaza level that flew above the loop road). The loop road exit markings indicate both north and south exiting will be allowed; southbound exiting will be VERY difficult as there is no middle turn-lane refuge at that portion of 120th Ave NE...and pedestrians/bikes will be fighting vehicles who've nosed out waiting for a gap as they attempt to look uphill at an angle. Although this minor element doesn't really impact the design of the new park itself, concentrating all of the foot and bike traffic at a fairly wide loop road gap is a result of abandoning the crossing further east.

I don't think this minor modification request needs to go to the full DRB; in fact, it will be brand new to all but, I think, Brad Brown and me (and Dave Russell, but his second term has ended). I see no reason to deny the request, or to ask for further documentation/review.

Thanks,  
Tim

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**From:** Scott Guter <SGuter@kirklandwa.gov>  
**Sent:** Sunday, May 17, 2020 9:46 AM

**To:** Tim Olson <TOlson@kirklandwa.gov>

**Subject:** Village at Totem Lake - Pedestrian Connection Modification Request

Tim,

The applicant, Ed McCoy with Fairfield Totem Lake LLC, has applied for a minor modification to revise the pedestrian connection between the Village at Totem Lake and EvergreenHealth that was approved with the Village at Totem Lake – Phase II project, File No. DRV16-00914 (see <https://www.dropbox.com/sh/zp90uw4hs1c2cpg/AAD0vxTjoF8nlObTJh4lxBkSa?dl=0>). The applicant has expressed that the changes to the approved pedestrian connection are out of concerns of its usability, ADA accessibility liability, maintenance, safety, and overall security. These concerns are outlined in detail in Exhibit C of the request. The applicant is requesting to replace the approved pedestrian connection with a park located along 120th Avenue NE next to EvergreenHealth’s DeYoung Pavilion (see aerial). This park location is supported by the Totem Lake Urban Center Enhancement + Multimodal Transportation Network Plan. The park is identified within the Hillside opportunities section of the plan on pages 78 – 81. The plan can be viewed online at: <https://www.kirklandwa.gov/Assets/Totem+Lake+Enhancement+Plan.pdf>.

Thank you in advance for providing your feedback on this modification request. Contact me if you have any questions.

Thanks,

**Scott Guter**, AICP | LEED AP  
Senior Planner | City of Kirkland | Planning and Building Department  
425-587-3247 | [sguter@kirklandwa.gov](mailto:sguter@kirklandwa.gov) | <http://www.kirklandwa.gov>

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## Scott Guter

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**From:** Joel Pfundt  
**Sent:** Thursday, May 28, 2020 4:31 PM  
**To:** Scott Guter  
**Cc:** Tuan Phan  
**Subject:** RE: Village at Totem Lake - Pedestrian Connection Modification Request

**Categories:** Current Land Use, Village at Totem Lake

Scott,

Here is a brief response:

There bike lane and sidewalk will be made of different materials to delineate where each mode should go. The entrance to the garage will also include marked crossings since it is a curb return instead of a driveway apron, so that should create a heads-up moment for people driving, walking or biking in the intersection. The proposed change does not really impact the design at the loop road, but please note that this location is set up with conduit and foundations for a future traffic signal, if and when it is warranted.

Please let me know if you need anything further.

Joel

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**From:** Scott Guter <[SGuter@kirklandwa.gov](mailto:SGuter@kirklandwa.gov)>  
**Sent:** Thursday, May 28, 2020 11:06 AM  
**To:** Tuan Phan <[TPhan@kirklandwa.gov](mailto:TPhan@kirklandwa.gov)>; Joel Pfundt <[JPfundt@kirklandwa.gov](mailto:JPfundt@kirklandwa.gov)>  
**Subject:** RE: Village at Totem Lake - Pedestrian Connection Modification Request

Tuan & Joel:

I'm just checking on the status of your responses to Tim Olsen's comments.

Let me know if you have any questions.

**Scott Guter**, AICP | LEED AP  
Senior Planner | City of Kirkland | Planning and Building Department  
425-587-3247 | [sguter@kirklandwa.gov](mailto:sguter@kirklandwa.gov) | <http://www.kirklandwa.gov>

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**From:** Scott Guter  
**Sent:** Wednesday, May 20, 2020 1:15 PM  
**To:** Tuan Phan <[TPhan@kirklandwa.gov](mailto:TPhan@kirklandwa.gov)>; Joel Pfundt <[JPfundt@kirklandwa.gov](mailto:JPfundt@kirklandwa.gov)>  
**Subject:** FW: Village at Totem Lake - Pedestrian Connection Modification Request

Tuan & Joel:

In processing the subject modification I sent the proposed design to Tim Olsen, Chair of the Design Review Board. Below are his comments. He brings up concerns over what he sees as potential pedestrian/vehicle/bicycle conflicts. I know the two of you had already analyzed the proposed design and I would like you to respond to Tim's comments as a matter of record prior to issuing a decision.

You may want to look at the design to refresh your memory. My email below provides a link to the proposed design.

Thanks,

**Scott Guter**, AICP | LEED AP  
Senior Planner | City of Kirkland | Planning and Building Department  
425-587-3247 | [sguter@kirklandwa.gov](mailto:sguter@kirklandwa.gov) | <http://www.kirklandwa.gov>



**CITY OF KIRKLAND**  
Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 980 425.828.1257  
www.ci.kirkland.wa.us

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## **DESIGN RESPONSE CONFERENCE DESIGN REVIEW BOARD DECISION ON APPLICATION**

**DATE:** July 28, 2004

**FILE NO.:** DRC04-00002

**PROJECT NAME:** Evergreen Healthcare Gateway Center Project  
12039 NE 128<sup>th</sup> Street

**PROJECT PLANNER:** Jon Regala, Associate Planner

**APPLICANT:** Mahlum Architects and Evergreen Healthcare

### **I. SUMMARY OF DECISION**

Evergreen Hospital is proposing to construct two medical office buildings in two phases at 12039 NE 128<sup>th</sup> Street (see Attachment 1). Phase one consists of an 80,000 square foot medical office building and a transit center. Sound Transit will occupy approximately 2,000 square feet on the first floor. Phase two consists of another 80,000 square foot medical office building. Parking is proposed in a below grade parking structure containing 627 parking stalls located beneath each building. Attachment 2 contains the applicant's proposal.

On July 15, 2004, the Design Review Board (DRB) approved the plans for the Gateway Center project (see Attachment 2), 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 3, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations.

This attachment does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in Attachment 3, the condition of approval shall be followed (see Conclusion III).

- B. As part of the application for a building permit, the applicant shall submit detailed plans for administrative review that show compliance with the following as approved by the DRB:
1. Final landscape plan as shown in Attachment 1 and subject to the approved plant list in Attachment 1.

2. Final pedestrian plan as show in Attachment 1. Pedestrian walkways must be at least 5' wide and must be distinguishable from traffic lanes. Where the walkway is adjoining a building, overhead weather protection shall be provided.
  3. Final details on the required stamped asphalt crosswalk to be located in the NE 128<sup>th</sup> Street right-of-way connecting the Gateway Center site to the Bed Tower project. The crosswalk shall be approved by the Public Works Department.
  4. Additional landscaping should be added to the perimeter of the lower level parking structure that is located along 120<sup>th</sup> Avenue NE. This should be done similar to the planting along the outer perimeter of the bus drive aisle. Trees shall also be added to the surface parking lot in this area.
  5. The overhead canopy/scoop along the south façade of the buildings should be redesigned to allow more natural light beneath and the form should be consistent with the transit center canopy design.
- C. Prior to issuance of an occupancy permit, the applicant shall complete the installation of all required improvements and elements approved by the DRB, including the pedestrian improvements and landscaping and schedule a final inspection by the Department of Planning and Community Development to verify compliance with the approved design plans.
- D. The Planning Official may approve a modification to the DR approval for the proposed development if it meets the criteria in Section 142.50 of the Zoning Code outlined below:
1. The need for the modification was not known and could not reasonably have been known before the DR approval was granted;
  2. The modification is minor and will not, in any substantial way, change the proposed development or violate any requirement imposed by the Design Review Board. The Planning Official may consult with the Design Review Board in his/her decision; and
  3. The development that will result from the modification will be consistent with the design regulations, design guidelines, and Comprehensive Plan.

Any modification, other than as specified above, shall be reviewed and decided upon as a new DR approval under Chapter 142.

## **II. DESIGN RESPONSE CONFERENCE**

### **A. BACKGROUND INFORMATION**

A Conceptual Design Conference was held on March 18, 2004 with the DRB. The purpose of this meeting was for the Hospital to receive early feedback from the DRB. The DRB reviewed the proposal for consistency with the design policies approved as part of the Evergreen Healthcare Master Plan.

The Design Response Conference (DRC) was held during the May 20, 2004 meeting of the Design Review Board. The Board heard a presentation by the Department of Planning and Community Development describing the proposal and its relationship to the design guidelines contained in the Evergreen Hospital Master Plan. A presentation was given by

the applicant followed by questions and deliberation by the DRB. The DRC was continued to the July 15, 2004 DRB meeting.

B. PUBLIC COMMENT

As of May 20, 2004 (date of Design Response Conference) no public comment on this proposal has been received.

C. DESIGN REVIEW BOARD DISCUSSION AND CONCLUSIONS

The Design Review Board reviewed the Design Response Conference staff report dated March 12, 2004 adopting the staff recommendations as set forth therein (see Attachment 4). In addition, the DRB resolved the following remaining design issues for DRB final consideration:

1. SCALE

a. Design Review Board Discussion:

The DRB agreed that the design of the proposed Gateway Center is consistent with the design guidelines as approved as part of the Evergreen Hospital Master Plan. The DRB felt that the architect's use of colors, materials, horizontal bands, vertical column effect, the shape of the building, setting back the rooftop units, and design treatment of the façade to mirror the Bed Tower project are successful techniques in reducing the bulk and mass of the proposed structure.

The colors and materials proposed are consistent with the existing buildings on the campus.

b. Staff Response:

The applicant should submit a building permit consistent with the applicant's proposal found in Attachment 2.

2. ACCESS

a. Design Review Board Discussion:

The DRB felt that certain elements to the proposed pedestrian plan were needed to create better way finding and to enhance the pedestrian environment. The DRB required the following items:

- 1) Preserve the pedestrian connection to Totem Lake Mall.
- 2) Look at options to create a safe pedestrian mid-block crossing across NE 128<sup>th</sup> Street to connect Gateway Center to the main Hospital campus.
- 3) Further study the hill climb along 120<sup>th</sup> Avenue NE. Public Works will be requiring a 10'-wide sidewalk along 120<sup>th</sup> Avenue NE and an 8'-wide sidewalk along NE 128<sup>th</sup> Street. As part of this study, the DRB asked the applicant to explore alternatives to the

triangular shaped parking structure visible along 120<sup>th</sup> Avenue NE. Graphics were requested by the DRB to further understand the design impacts in this area.

- 4) The DRB encouraged the applicant to further explore the pedestrian area located west/northwest of the proposed Phase I building and near the interior ramp.

b. Staff Analysis:

The DRB requested that additional landscaping around the perimeter of the exposed parking structure be included in the proposal as well as trees be planted in the exposed surface parking lot area. These changes should be reflected in the building permit submittal. Otherwise, the DRB found that the revisions the applicant provided as shown in Attachment 2 meet the Evergreen Hospital Master Plan Design Guidelines.

3. OPEN SPACE AND LANDSCAPING:

a. Design Review Board Discussion:

The DRB had the following comments regarding landscaping:

- 1) The DRB encouraged the applicant to add more landscaping in the hill climb area along 120<sup>th</sup> Avenue NE.
- 2) Explore landscaping opportunities towards the center of the site around the proposed specimen tree.
- 3) The DRB requested to see a more garden-like design in the area west/northwest of the proposed Phase I building.

b. Staff Analysis:

The DRB approved the landscaping changes along with the plant list as shown in Attachment 2. The landscape plan is consistent with the design guidelines as approved in the Hospital Master Plan. A final landscape plan incorporating the changes should be submitted with the Gateway Center building permit.

### III. TECHNICAL COMMITTEE

Fact: Comments and requirements placed on the project by other departments are found on the Development Standards Sheet, Attachment 3.

Conclusion: The applicant must follow the requirements of other departments set forth in Attachment 3.

### IV. APPEALS OF DESIGN REVIEW BOARD DECISIONS AND LAPSE OF APPROVAL

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



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

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

**V. ATTACHMENTS**

1. Vicinity Map
2. Applicant Proposal dated July 15, 2004
3. Development Standards
4. May 12, 2004 Design Response Memo to DRB

**VI. PARTIES OF RECORD**

There are no parties of record.

**VII. APPROVAL**

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Paul Duffy, Chair  
Design Review Board

Date

