



## CITY OF KIRKLAND

Planning and Community Development Department

123 Fifth Avenue, Kirkland, WA 98033 (425) 587-3225

[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

### CITY OF KIRKLAND NOTICE OF DECISION

January 17, 2008

**Permit application:** Bank of America Mixed Use Project, Permit No. DRC07-00006

**Location:** 101 Kirkland Avenue

**Applicant:** Andy Loos, SRM Development

**Project description:** Design Response Conference before the Design Review Board for a new five story building with ground floor retail, 72 residential units and 125 parking stalls.

This project was approved with conditions by the Design Review Board on January 16, 2008.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

#### HOW TO APPEAL:

*Only the applicant or those persons who previously submitted written or oral testimony or comments to the Design Review Board are entitled to appeal this decision. Only those persons who file an appeal, the applicant, and the Design Review Board Chair (or designee) may participate in the appeal hearing. 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 pm on January 31, 2008. For information about how to appeal, contact the Planning Department at (425) 587-3225. An appeal of this project decision would be heard by the City Council.*

For additional information on this project, please contact **Janice Soloff**, City of Kirkland Planning Department at (425) 587-3257. More information is also available at [www.Kirklandpermits.net](http://www.Kirklandpermits.net).





## CITY OF KIRKLAND

Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033 425.828.1257  
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### DESIGN REVIEW BOARD DECISION

**FILE NO.:** DRC07-00006

**PROJECT NAME:** Bank of America/Merrill Gardens Mixed Use Retail/Residential Project at 101 Kirkland Avenue

**APPLICANT:** SRM Development LLC

**PROJECT PLANNER:** Janice Soloff, Senior Planner

#### I. SUMMARY OF DECISION

Any Loos of SRM Development applied for design review of a mixed use project at 101 Kirkland Avenue with approximately 11,285 gfa of ground floor retail, 72 units of senior housing, and 131 parking stalls (see Attachment 2). The project includes new retail tenant spaces along Kirkland Avenue and Lake Street S. The Bank of America would return to the northwest corner of the site and a drive through facility located between the buildings will access from the alley. Vehicle access to the parking garage will also be from the alley. The alley will be widened to 22 feet to accommodate two-way vehicle traffic. A pedestrian walkway along the alley building façade will connect pedestrians from the Merrill Gardens Assisted Living project to the east to Lake Street S. Wider sidewalks with landscape strips, street trees and decorative light fixtures will be provided along property frontage on Kirkland Avenue and Lake Street S. Two open space plazas with art integrated into the areas will be provided in the northwest and northeast corners of the property. A parking modification to reduce the code required parking ratio for the residential portion of the project was requested.

On January 7, 2008, the Design Review Board (DRB) approved the project as shown on the plans dated January 7, 2008 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 1, 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 permit the applicant shall submit the following:
  - 1. Building plans that show the maximum building height is no more than 55 feet above the midpoint of the property frontage along Kirkland Avenue.
  - 2. Decorative parapets may exceed the height limit by a maximum of four feet pursuant to KZC Section 50.62.4, provided that the average height of the parapet around the perimeter of the structure shall not exceed two feet. Rooftop appurtenances must fall below this height including perimeter screening (KZC Section 115.120).

3. A parking modification (pursuant to KZC 105.103) is approved per staff recommendation described in the December 26, 2007 memo from Thang Nguyen for the residential portion of the project only based on a parking ratio of one parking stall per bedroom. In addition, visitor parking shall be provided at a ratio of .15 parking stalls per bedroom plus 16 parking stalls allocated for the bank use shall also be made available for visitor parking between 7pm and 6am. All other uses for the property shall meet the parking requirements of the Zoning Code. The final parking count may be influenced by the property owner's participation in the LID 119 or floor area exemptions in KZC Section 50.60. The applicant shall inform staff about how the stalls will be managed. The applicant shall provide revised parking plans that meet these and all other Zoning Code requirements.
4. Install public improvements as determined by the Public Works Department on Kirkland Avenue and Lake Street S.
5. Continue to work with the Cultural Council to finalize incorporating art into the design of the project along street level building facades and the NE and NW corners of the project. Prior to final issuance of the building permit, final design for the pedestrian plazas and art shall be approved by the DRB.
6. Building details and colors of such things as railings, canopies, marquees, signage, lighting, shall be significantly different in design from the Merrill Gardens assisted living project (under construction at 201 Kirkland Avenue). Prior to building permit issuance, the Design Review Board shall approve the final details of these features.
7. At the NW corner, the proposed modification of the bay to wrap around the corner is approved. Above the expanded bay (at the NW corner of the Level 5 roof terrace) the roof line shall be changed from a solid parapet to an open/transparent corner treatment.
8. At the proposed bank facades on the northwest corner of the building, revise plans to lessen the width of the vertical columns between the windows to provide greater glazing opportunities at the street and replace the horizontal and vertical bands of white brick with red brick.
9. The applicant should explore enlarging the depth of the NE corner retail space along Kirkland Avenue by shifting the lobby hallway south, over the parking below. The DRB recognizes that this may not be feasible given the ceiling heights of the parking garage.

## II. DESIGN RESPONSE CONFERENCE MEETINGS

### A. Background Summary

Below is a summary of the Board's discussions at the three Design Response Conferences held on November 19, 2007, December 3, 2007 and January 7, 2008.

**November 19, 2007 Conference:** The Design Review Board reviewed the plans submitted by Runberg Architects dated November 5, 2007. Staff provided an overview of the Zoning Code and Comprehensive Plan policies for the CBD 1 area and the key design issues for the project. Staff's memo dated November 9, 2007 provides an analysis of project consistency with the Zoning regulations, Downtown Plan Comprehensive Plan policies and Design Guidelines for Pedestrian Oriented Districts.

After receiving public comment on the project and deliberating, the Board requested the applicant to return for a second meeting to respond to the following DRB comments:

Building Height and Scale: Deemphasize upper stories at northwest corner and provide generous upper story setbacks, especially from Lake Street, at 3rd, 4th and 5th levels. Show a more active retail program along Lake Street S. such as consider moving the space labeled as a coffee shop/café so it has a more prominence along the street, increase interaction between retail and pedestrians, increase entrances and provide more landscaping at the base of the building.

Alley Design: The alley width, pedestrian walkway and whether or not the alley should be two-way were discussed. One way circulation would require drivers to circle around the block to access the site. A two-way alley is preferred by the Public Works Department to allow more circulation choices within the block for vehicles coming from Kirkland Avenue, through new Main Street, or Lake Street S. to access garage entrances of both this project and future redevelopment of the property to the south.

Drive-through Design: The Board questioned if there was adequate sight distance at the alley entrance. They requested the applicant to design the exit driveway on Kirkland Avenue to be more pedestrian friendly.

Streetscape, Open Spaces and Landscaping: Extend the landscape strip planter along Lake Street S. north. Add additional greenery to the northeast bulb out. Provide ground cover in addition to tree grates. Show landscape plans for private terraces. Include details for water feature and art sculpture. In response the applicant revised the landscape plan with the above information.

Exterior Lighting, Art, Plaza and Signage: Examples of the exterior lighting fixtures, art, signage and plans for the plaza were discussed.

**December 3, 2007 Conference:** The Design Review Board reviewed the plans submitted by Runberg Architects dated November 26, 2007. The staff memo dated November 28, 2007 provides an overview and analysis of the project modifications made in response to DRB direction.

After receiving public comment on the project, the Board discussed the applicant's response from the requested items discussed above. By motion, the Board reached consensus to support approving a five story building, finding that the proposal complied with applicable requirements including setback of upper stories and superior retail. The Board then moved on to continue discussion of further project details. The Board requested the applicant to return for a third meeting to respond to the following DRB comments:

Building Materials: Provide a comparison of the building materials and colors for the Merrill Gardens assisted living project under construction at 201 Kirkland Avenue with the Bank of America project with the goal of achieving uniqueness and individuality between the two projects. Explore options to strengthen the variety of colors and materials between the 3 building segments.

East Elevation: Fine tune the east elevation design details.

Roofline: Explore modulations in parapet heights to enhance the treatment of building mass as 3 building segments and avoid long horizontal lines.

Retail details: Provide more building material details of the superior retail spaces.

Landscaping: Provide greater street tree choices (deciduous; richness in color) (variety will also help break up facades); provide upper story planters and detailing for upper story terraces and containers.

Art and Plaza Design: Have the Cultural Council review and comment on the open space plazas, water feature and artwork.

**January 7, 2008 Conference:** The Design Review Board reviewed the plans submitted by Runberg Architects dated January 7, 2008. The staff memo dated December 26, 2007 provides an overview and analysis of the project modifications made in response to DRB direction. The applicant met with the Cultural Council subcommittee on December 17<sup>th</sup> and their comments are summarized in Attachment 1 of the January 7<sup>th</sup> staff report.

The Board reviewed the revised plans and the staff recommendation for the parking modification. After receiving additional public comment on the project, the Board discussed the following:

Northwest corner bay: In response to the applicant's request to revisit the upper story corner bay at the NW corner of the building, the Board agreed to the revised plans of including a more transparent corner of windows with a simpler roofline for the upper residential unit.

Building materials/details: The Board discussed the importance of having each of the Merrill Gardens projects to have their own identity in use of building materials, colors and details such as signage, lighting, canopies, awnings and railings.

Art and plaza design: The Board considered the recommendations from the Cultural Council for the art integrated into the project.

Parking modification: The parking modification was approved as recommended by staff.

Café tenant space: The Board expressed the importance of keeping the space labeled as a café as a separate tenant space at that location to add a diversity of retail along Lake Street and discouraged the space from becoming an ATM location for the bank.

Building Height and Scale: In response to the continued public comment regarding the issue of compliance with criteria for approval of a 5<sup>th</sup> story, and some public perception that the Board had not had the opportunity to read and review previous comments, the Board discussed their findings from the December 3, 2007 Conference. On review, the DRB concluded that the application met the requirements and should be approved subject to conditions.

## **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 three 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:

- The DRB should review all public comment before rendering a decision
- The compatibility of proposed building height at this location
- Change to the small town look and feel
- Should a bank and drive-thru use be considered superior retail justifying the 5<sup>th</sup> story
- Pedestrian safety along streets and the alley
- Adequacy of proposed parking
- Consistency with City policies and regulations
- Benefits and impacts to downtown retail

## **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 three Conferences contained in File DRC07-00006.

### **A. BUILDING HEIGHT, ARCHITECTURAL AND HUMAN SCALE**

CBD 1 Zoning (KZC 50.12) establishes a maximum building height of 2-5 stories with General Regulations requiring buildings exceeding two stories to demonstrate compliance with design regulations and the Downtown Plan. The City is to determine compliance with these provisions through Design Review. Guidance in the Downtown Plan (pages XV.D-9 - XV.D-11) relative to allowed building height in this district includes the following:

- Subject property is located in Height and Design District 1B. Maximum number of stories is 2-4 with one additional story allowed for upper story residential. Discretionary approval required for heights over two stories.
- Stories above the 2nd floor should be setback from the street. To preserve the existing human scale of this area development over two stories require review and approval the Design Review Board based on priorities set forth in the Downtown Plan.
- Buildings should be limited to 2 stories along all of Lake Street South to reflect the scale of development in district 2 (west side of Lake Street S.). Along Kirkland Avenue, a maximum of 2 stories along street frontages will protect the existing human scale and pedestrian orientation.
- Portions of Design District 1B provide the best opportunities for new development that could contribute to the pedestrian fabric of Downtown. The existing development in this area is older, auto-oriented, defined by parking lots and poor pedestrian orientation.
- To provide incentive for redevelopment and because these larger sites have more flexibility to accommodate additional height, a mix of 2-4 stories is appropriate.

- South of Kirkland Avenue, building forms should step up from the north and west with tallest portions at the base of the hillside to help moderate the mass of large buildings on top of the bluff.
- Buildings over two stories should generally reduce the building mass above the second story.
- One additional story (5th story) may be appropriate to encourage residential on upper floors and strengthen retail in the core area. This additional story may be considered by the DRB if:
  - At least 3 of the upper stories are residential,
  - Total height is not more than one foot taller than the height that would result from an office project with three stories of office over ground floor retail (55 feet),
  - Stories above the second story are setback significantly from the street,
  - The building form is stepped back at the third, fourth, and fifth stories to mitigate additional building mass,
  - Superior retail space is provided at street level,
  - Rooftop appurtenances and related screening does not exceed the total allowed height is integrated into the height and design of peaked or parapet roofs.

DRB deliberations focused on whether the project met the Downtown Plan direction, particularly: 1) whether the project was appropriately designed for superior retail in order to approve the fifth floor and 2) the amount of setback and building mass above the second story. It should be noted that the Board has applied these regulations and design guidance in approving three previous buildings in CBD 1 (Kirkland Central, Merrill Gardens, and Heathman Hotel).

DRB Discussion – Building Setbacks: The Board discussed the building height regulations and direction from the Downtown Plan and concluded that a maximum two story street façade along Kirkland Avenue and Lake Street S. is required to provide a human scale and pedestrian orientation to the street with building forms setback above the 2<sup>nd</sup> floor to terrace up toward the hillside (Portsmouth building) to reduce building mass. Along Kirkland Avenue, a one and two-story street façade is brought out to the sidewalk at both east and west ends of the building. At the 3<sup>rd</sup> and 4<sup>th</sup> levels the amount of building setback above the second story ranges from approximately 10' on the west to 23' for the east third of the building. It was noted that the building is setback between approximately 5' to 34' from the Lake Street S. and Kirkland Avenue property lines in order to provide wider sidewalks and public open space. As a result, the upper story setbacks are even greater if measured from the property line. The Board discussed the design, materials and amount of setback from the 2<sup>nd</sup> floor of the upper story corner bay at the northwest corner of the building especially as viewed from the street. The 5<sup>th</sup> level is setback an additional amount for private patios and a roof deck that overlooks Lake Street S below. Private patios are also on the 2<sup>nd</sup>- 4<sup>th</sup> levels.

DRB Discussion – Superior Retail:

Basic requirements for retail space are established in the Zoning Code CBD 1 section, Design Regulations of Chapter 92, and the Design Guidelines. To be granted the 5th story, the Downtown Plan states that development must show that the project provides superior retail space at the street level. As projects have been approved in the Downtown, staff and the Board have developed a list of basic retail requirements to evaluate whether the retail space proposed exceeds those basics (for example, is the retail space larger, deeper, taller; does it use quality of materials,; what is the relationship to the

streetscape; and how does it compliment other tenant mixes in the Downtown). The Board's review of the project's retail space focused on the following:

- Pedestrian Orientation and Streetscape Experience (sidewalk width, glazing, weather protection): Because of the prominent corner location of the project at Lake Street S. and Kirkland Avenue, the Board discussed the importance of the project creating a strong pedestrian environment around the entire building including, creating a pedestrian plaza at the NW corner, providing wider sidewalks and pedestrian connections to adjacent properties, ground level landscaping and upper story decks that overlook the pedestrian experience at the street. The Board discussed with the architect the desire for the bank space and café to have greater retail presence at the street with several entrances, areas for pedestrians to gather, wider weather protection, greater transparency and quality building materials. The architect responded by modulating and splitting up the bank and café spaces, providing the open space plaza at the corner with a water feature, sitting benches, and landscape strips at the curb. Retail building facades along the street provide building details such as patterned and varying colored brick, concrete pedestals at the base, decorative concrete medallions and decorative lighting.
- Retail Size: In response to the Board's comments, the proposed café tenant space was enlarged and brought out along the street and treated with a white brick in contrast to the red brick to differentiate it from the bank space. The four retail spaces range in size from 880 SF for the café, to 2,365 SF and 2,450 SF for spaces along Kirkland Avenue and 5,720 SF for the bank. The proposal meets or exceeds the size and amount of retail opportunities along the street.
- Retail Depth: The depth of the two retail spaces along Kirkland Avenue ranges from 26' to 50'. The bank ranges from 64'6" - 88'8" in depth. The space labeled as a cafe is shown as 32'6". The board requested the applicant to examine enlarging the eastern most tenant space along Kirkland Avenue. The retail spaces generally exceed the minimum 30' depth requirement, and are on average significantly deeper than 30'.
- Retail Height: Per minimum code requirements, retail space must be a minimum of 13' to 15' in height to provide greater opportunities for window height for interior light and visibility from the street of interior and merchandise display. The space labeled as a cafe and the bank will provide a floor height of 14'6". The western most retail space will be 13'6" and the eastern most retail space will be 20' in height.
- Superior Quality Building Materials: The architect responded to the Boards comments to provide high quality building materials for the retail facades by including a variety of colored brick, fiber cement siding, vinyl windows, aluminum storefronts, and metal canopies decorative exterior lighting.

The Board reviewed and discussed the public comment that the bank should not be considered as a superior retail. The DRB noted the following:

- The Kirkland Zoning Code specifically treats banks as retail uses. Further, the DRB has affirmed that it does not have authority to prohibit uses specifically allowed by the Kirkland Zoning Code. This position was confirmed by the City Attorney at the DRB meeting of January 7, 2007.
- Given the authority of the DRB over issues of design and the absence of authority over use, the DRB has applied the term “superior retail” to apply to physical characteristics of the retail environment.
- Retail tenants will change over time, so focusing on creating places and spaces that will foster successful retail uses is the appropriate exercise of DRB authority.

DRB Conclusions: The Board concluded that a fifth story should be approved because the project complies with the Downtown Plan policies and Zoning requirements. The project is designed for three floors of residential, stories above the second story are setback significantly from the street, the building form is stepped back at the third, fourth, and fifth stories to mitigate building mass, superior retail space is provided at street level (see discussion above) and the rooftop appurtenances and related screening will not exceed the total allowed height, and will be integrated into the parapets. Specific to the requirement for superior retail, beginning at the Conceptual Design Conference and following through the design review process, the DRB challenged the applicant to demonstrate that the design of the project, from the curb to the retail façade, provide a design that was superior to code requirements to the extent that it justified the 5<sup>th</sup> story. The Board concluded that the applicant has met that challenge and that the project does provide superior retail space.

## **B. VEHICULAR AND PEDESTRIAN ACCESS**

In the Downtown Plan, development in the CBD 1 is encouraged to be designed in scale and orientation to the pedestrian for a lively, attractive, and safe streetscape experience. Design Guidelines provide techniques to achieve this such as placement of windows, multiple entrances, canopies, awnings, courtyards, arcades, and other pedestrian amenities. Service areas, surface parking and blank facades should be located and not visible from the street frontage.

DRB discussion: The Board discussed concerns for pedestrian safety at the drive through exit at Kirkland Avenue and sight distance at the entrance to the drive through along the alley. As a result the applicant angled the building corners at the drive through at the alley entrance and exit. At the Kirkland Avenue exit, the building was pulled back and low-growing landscaping and lighting was added.

DRB conclusions: The Board concluded that the proposal is consistent with vehicular and pedestrian requirements and complies with the policies and guidelines regarding providing enhanced pedestrian circulation such as the wider sidewalks along Kirkland Avenue and Lake Street S. and the pedestrian walkway connection along the alley. The Board agreed to the revisions to the drive through.

## **C. BUILDING MATERIALS, COLOR AND DETAIL**

DRB Discussion: The Board discussed the importance of the building materials to be unique from the other Merrill Gardens project to the east. The architect reviewed the building material details of both projects.

DRB Conclusions: The Board agreed to the general approach to proposed building materials and requested that the building details such as the railings, decks, awnings, signage etc. be brought back to them for approval with the building permit application to ensure that the two projects are architecturally distinct.

#### **D. LANDSCAPING**

DRB Discussion and Conclusions: The Board discussed the proposed design and plant selection for the landscaping and agreed with the recommendation to provide the three landscaping nodes around the property, retain three of the existing trees in the sidewalk along Kirkland Avenue, and vary from the standard street tree grates to provide landscape strips adjacent to the curb. The Board suggested landscape pots along the facades where there are no awnings to provide additional landscaping at the base of the building.

#### **E. PARKING MODIFICATION REQUEST**

DRB Discussion: Under the provisions of KZC Section 105.103, the applicant requested a reduction of the number of code required parking stalls for the residential portion of the project. A recent code amendment to that section gives the Design Review Board authority to evaluate and approve parking modification requests to reduce the number of parking stalls as part of the design review process.

Section 105.103 requires a request for a parking modification to be documented by a demand and utilization study to serve the type of land use, prepared by a licensed transportation engineer and substantiated by technical data. The parking modification requests to reduce the number of required parking stalls for the residential portion of the project from 1.7 stalls per unit to 1 stall per unit. The December 20, 2007 memo from William Popp Associates includes supporting data for the request. A memo from Thang Nguyen, Traffic Engineer dated December 26, 2007 evaluated their request. Based on his analysis, Mr. Nguyen concludes that the project should provide 1 stall per bedroom plus .15 parking stalls per bedroom and concludes that the 16 parking stalls allocated for the bank use should be made available to visitor parking between 7pm and 6am. The applicant reviewed Mr. Nguyen's recommendations and concurred.

DRB Conclusions: This recommendation is consistent with the ratio approved for similar parking modifications approved in the CBD. The DRB approved the parking modification request based on the staff's recommendation. The applicant agrees with staff and therefore will need to revise the parking plans to accommodate the additional stalls.

### **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 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., JAN. 31, 2008, 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

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.

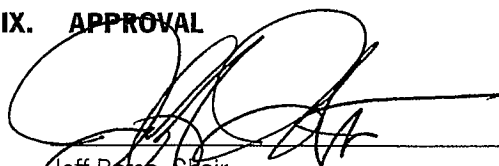
**VII. ATTACHMENTS**

- 1. Development Standards
- 2. Applicant Proposal

**VIII. PARTIES OF RECORD**

The parties of record list is located in File DRC07-00006 in the Planning Department.

**IX. APPROVAL**

  
\_\_\_\_\_  
Jeff Bates, Chair  
Design Review Board

JAN. 16, 08  
Date

CITY OF KIRKLAND  
123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189 (425) 587-3225

Date: 11/8/2007

DEVELOPMENT STANDARDS  
CASE NO.: DRC07-00006  
PCD FILE NO.: CDC07-00005

You can review your permit status and conditions at [www.kirklandpermits.net](http://www.kirklandpermits.net)

**PUBLIC WORKS CONDITIONS**

Permit #: DRC07-00006  
Project Name: Bank of American Redevelopment  
Project Address: 101 Kirkland Ave  
Date: November 8, 2007

Public Works Staff Contacts  
Land Use and Pre-Submittal Process:  
Rob Jammerman, Development Engineering Manager  
Phone: 425-587-3845 Fax: 425-587-3807  
E-mail: [rjammer@ci.kirkland.wa.us](mailto:rjammer@ci.kirkland.wa.us)

Building and Land Surface Modification (Grading) Permit Process:  
John Burkhalter, Development Engineering Supervisor  
Phone: 425-587-3853 Fax: 425-587-3807  
E-mail: [jburkhal@ci.kirkland.wa.us](mailto:jburkhal@ci.kirkland.wa.us)

**General Conditions:**

1. All public improvements associated with this project including street and utility improvements, must meet the City of Kirkland Public Works Pre-Approved Plans and Policies Manual. A Public Works Pre-Approved Plans and Policies manual can be purchased from the Public Works Department, or it may be retrieved from the Public Works Department's page at the City of Kirkland's web site at [www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us).
2. This project will be subject to Public Works Permit and Connection Fees. At the pre-application stage, the fees can only be estimated. It is the applicant's responsibility to contact the Public Works Department by phone or in person to determine the fees. The fees can also be review the City of Kirkland web site at [www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us). The applicant should anticipate the following fees:
  - o Water and Sewer connection Fees (paid with the issuance of a Building Permit)
  - o Side Sewer Inspection Fee (paid with the issuance of a Building Permit)
  - o Water Meter Fee (paid with the issuance of a Building Permit)
  - o Right-of-way Fee
  - o Review and Inspection Fee (for utilities and street improvements).
  - o Traffic Impact Fee (paid with the issuance of Building Permit). For additional information, see notes below. Note: Traffic and Park Impact Fees increase on February 1, 2008.
3. This project has received a traffic concurrency certificate. The certificate expires on October 16, 2008.

ATTACHMENT <u>  1  </u>
<u>  DRC07-00006  </u>

4. Building Permits associated with this proposed project will be subject to the traffic impact fees per Chapter 27.04 of the Kirkland Municipal Code. The impact fees shall be paid prior to issuance of the Building Permit(s).
5. Any existing buildings within this project which are demolished will receive a Traffic Impact Fee credit. This credit will be applied to the first Building Permit that is applied for within the project.
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 titled ENGINEERING PLAN REQUIREMENTS. This policy is contained in the Public Works Pre-Approved Plans and Policies manual.
7. All street improvements and underground utility improvements (storm, sewer, and water) must be designed by a Washington State Licensed Engineer; all drawings shall bear the engineers stamp.
8. 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).
9. A completeness check meeting is required prior to submittal of any Building Permit applications.
10. Prior to issuance of any commercial or multifamily Building Permit, the applicant shall provide a plan for garbage storage and pickup. The plan shall be approved by Waste Management and the City.

Sanitary Sewer Conditions:

1. The existing sanitary sewer main within the public rights-of-way along the front of the property is adequate.
2. Provide a side sewer to the building to match the discharge line from the building (which will be dictated by the Uniform Plumbing Code). In any case, the side sewer line shall be at least 6-inch minimum diameter. All of the parking garage floor drains shall be connected to the sanitary sewer.

Water System Conditions:

1. The existing water main in the public right-of-way along the front of the subject property is adequate.
2. Provide water services sized per the uniform plumbing code. In mixed-use projects each use shall have a separate water meter, i.e., the retail use shall have a separate water meter.
3. Provide fire hydrants per the Fire Departments requirements.

Surface Water Conditions:

1. Provide temporary and permanent storm water control per the 1998 King County Surface Water Design Manual. Contact City of Kirkland Surface Water Staff at (425) 587-3800 for help in determining drainage review requirements. This project will qualify for direct discharge to the lake.

Note: The City is required to adopt the 2005 Dept. of Ecology Surface Water Design Manual (or equivalent) by 2009. The earliest that we anticipate its adoption is June of 2008. This project will be required to meet the most currently adopted surface water design manual at the time of Building Permit application.

2. Provide a level one off-site analysis (based on the King County Surface Water Design Manual, core requirement #2).
3. Provide an erosion control plan with Building or Land Surface Modification Permit application. The plan shall be in accordance with the 1998 King County Surface Water Design Manual.

Street and Pedestrian Improvement Conditions:

1. The subject property abuts Lake Street on the west (an Arterial), Kirkland Ave on the north (a Collector), an unnamed alley on the south, and the extension of Main Street on the east (an access type street). Zoning Code sections 110.10 and 110.25 require the applicant to make half-street improvements in rights-of-way abutting the subject property. Section 110.30-110.50 establishes that this street must be improved with the following:

Lake Street.

- A. Remove all of the existing improvements.
- B. Install new curb and gutter (same alignment).
- C. Install a 10 ft wide sidewalk (minimum) with street trees in tree grates 30 ft. on-center and downtown pedestrian lighting 60 ft on-center.
- D. Install storm drainage collection and conveyance as necessary.

Kirkland Ave

- A. Remove all of the existing improvements.
- B. Install new curb and gutter (same alignment).
- C. Install a 10 ft wide sidewalk (minimum).
- D. In conjunction with the recommendations from the arborist report, retain the existing trees along Kirkland Ave.
- E. Along the frontage that do not have trees or has trees that can not be saved, install street trees in tree grates 30 ft. on-center.
- F. Install downtown pedestrian lighting 60 ft on-center.

Main Street Extension

- A. Widen the sidewalk to 8 ft in width (minimum) where necessary.
- B. Install street trees in tree grates 30 ft. on-center and downtown pedestrian lighting 60 ft on-center.
- C. Complete the northwest quarter of the turn-around.
- D. Dedicate right-of-way as necessary to encompass the improvements

Alley along the south property line

The existing alley shall be widened to 22 ft in width minimum to accommodate this development as well as the future development of the property on the south side of the alley. It is Public Works understanding that both property owners have agreed to dedicate right-of-way to achieve the 22 ft width (the site plan for this projects depict this). Within the 22 ft. the City has agreed that a 4 ft wide sidewalk with a rolled curb and an asphalt paved alley will best serve both developments. The sidewalk will serve the occasional pedestrian use in the alley and will also be mountable (with the rolled curb) in cases where two large vehicles need to pass. At this time, the City is expecting that the alley and rolled curb will be installed on the north side of the alley. More detailed design work will refine the final design of the alley improvements.

2. A 2-inch asphalt street overlay will be required where three or more utility trench crossings occur within 150 lineal ft. of street length or where utility trenches parallel the street centerline. Grinding of the existing asphalt to blend in the overlay will be required along all match lines.

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

4. Install "NO PARKING ANYTIME" signs along the north side of the alley.

5. 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.

6. Underground all new and existing on-site utility lines and overhead transmission lines.

7. Transportation Engineering comments and conditions:

- A. The access from Lake St will need to be right-in right out only. C-curbing may be required.
- B. Left-turn out of the bank drive-thru may most likely be restricted. C-curbing may be required.
- C. Queuing from the bank drive-thru will need to be studied by the developer's traffic engineer.
- D. The sight-lines at the garage entrances will need to be studied.
- E. All parking stalls must be able to turn around to exit.

**\*\*FIRE DEPARTMENT CONDITIONS\*\***

\*Due to the project's location on the corner, access to the project appears adequate.

\*Existing hydrants are adequate to provide coverage. Fire flow in the area is between 4,400 and 9,000 gpm, which is adequate for the project.

\*A sprinkler system is required to be installed throughout the building. The system shall be designed and the plans stamped by a person holding a Washington State Certificate of Competency. The system shall be installed by a state licensed sprinkler contractor.

\*A standpipe may be required. If the floor level of the highest story is located more than 30 feet about the lowest level of fire department vehicle access, a standpipe required. It may be incorporated into the sprinkler system.

\*A fire alarm system is required.

\*Portable fire extinguishers are required throughout the building.

\*Building Radio Coverage (800 mHz). Effective 1/1/07, all new buildings shall support adequate radio coverage for City emergency services workers, including but not limited to firefighters and police officers

**PLANNING DEPARTMENT DEVELOPMENT STANDARDS**

**ZONING CODE STANDARDS**

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

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

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

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

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

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

Planner to determine the number of bike racks required and location.

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

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

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

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

105.19 Public Pedestrian Walkways. The height of solid (blocking visibility) fences along pedestrian pathways that are not directly adjacent a public or private street right-of-way shall be limited to 42 inches unless otherwise approved by the Planning or Public Works Directors. All new building structures shall be setback a minimum of five feet from any pedestrian access right-of-way, tract, or easement that is not directly adjacent a public or private street right-of-way. If in a design district, see section and Plate 34 for through block pathways standards.

105.20 Required Parking. Submit a parking study to evaluate the proposed number of parking stalls and the planned uses. See criteria in 105.20

105.58 Parking Lot Locations in Design Districts. See section for standards unique to each district.

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

105.60.2 Parking Area Driveways. Driveways which are not driving aisles within a parking area shall be a minimum width of 20 feet.

105.60.3 Wheel stops. Parking areas must be constructed so that car wheels are kept at least 2' from pedestrian and landscape areas.

105.77 Parking Area Curbing. All parking areas and driveways, for uses other than detached dwelling units must be surrounded by a 6" high vertical concrete curb.

105.96 Drive Through Facilities. See section for design criteria for approving drive through facilities.

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

110.60.5 Street Trees. Retain the three street trees along Kirkland Avenue recommended for retention in the applicant's arborist report. Observe tree protection measures described in KZC Chapter 95 during construction. All trees planted in the right-of-way must be approved as to species by the City. All trees must be two inches in diameter at the time of planting as measured using the standards of the American Association of Nurserymen with a canopy that starts at least six feet above finished grade and does not obstruct any adjoining sidewalks or driving lanes.

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

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

115.47 Service Bay Locations. All uses, except single family dwellings and multifamily structures, must locate service bays away from pedestrian areas. If not feasible must screen from view.

115.90 Calculating Lot Coverage. The total area of all structures and pavement and any other

impervious surface on the subject property is limited to a maximum percentage of total lot area. See the Use Zone charts for maximum lot coverage percentages allowed. Section 115.90 lists exceptions to total lot coverage calculations. See Section 115.90 for a more detailed explanation of these exceptions.

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

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

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

95.35.2.b.(3)(b)i Tree Protection Techniques. A description and location of tree protection measures during construction for trees to be retained must be shown on demolition and grading plans.

95.35.6 Tree Protection. Prior to development activity or initiating tree removal on the site, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities.

Protection measures for trees to be retained shall include (1) placing no construction material or equipment within the protected area of any tree to be retained; (2) providing a visible temporary protective chain link fence at least 4 feet in height around the protected area of retained trees or groups of trees until the Planning Official authorizes their removal; (3) installing visible signs spaced no further apart than 15 feet along the protective fence stating "Tree Protection Area, Entrance Prohibited" with the City code enforcement phone number; (4) prohibiting excavation or compaction of earth or other damaging activities within the barriers unless approved by the Planning Official and supervised by a qualified professional; and (5) ensuring that approved landscaping in a protected zone shall be done with light machinery or by hand.

27.06.030 Park Impact Fees. New residential units are required to pay park impact fees prior to issuance of a building permit. Please see KMC 27.06 for the current rate. Exemptions and/or credits may apply pursuant to KMC 27.06.050 and KMC 27.06.060. On February 1, 2008 impact fees increase.

BANK OF AMERICA  
PERMIT NO. DRC07-00006

**Attachment 2 – Applicant Proposal** is available for viewing in the official file in the Planning Department at City Hall during regular business hours;

**Or**

on line at [www.kirklandpermits.net](http://www.kirklandpermits.net).

