

RESOLUTION NO. R-3426

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A PROCESS III PERMIT AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. III-87-22, BY PETER HENNING TO AMEND MASTER SITE PLAN APPROVED BY FILE NO. III-85-78 BEING WITHIN A PLA-10B ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH PROCESS III PERMIT SHALL BE SUBJECT.

Whereas, the Department of Planning and Community Development has received an application for a Process III Permit filed by Peter Henning, the owner of said property described in said application and located within a PLA-10B zone.

Whereas, the application has been submitted to the Kirkland Planning Commission which held hearing thereon at its regular meetings of July 2, July 16, July 23, and September 3, and

Whereas, pursuant to the State Environmental Policy Act, RCW 43.21C and the Administrative Guideline and local ordinance adopted to implement it, an environmental checklist has been submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, and a negative determination reached this action is exempt from the environmental checklist process; and

Whereas, said environmental checklist and determination have been available and accompanied the application throught the entire review process, and

Whereas, the Kirkland Planning Commission after its public hearing and consideration of the recommendations of the Department of Planning and Community Development did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Process III Permit subject to the specific conditions set forth in said recommendations, and

Whereas, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Planning Commission, as well as timely filed challenges to said recommendation, now, therefore

Be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The Findings, Conclusions and

Recommendations of the Kirkland Planning Commission as signed by the Chairperson thereof and filed in the Department of Planning and Community Development File No. III-87-22 are adopted by the Kirkland City Council as though fully set forth herein; except for recommended conditions, C6a(2), C6a(3), C6e and C6f which are not adopted. In place of the recommended conditions, herein not adopted by the City Council, the City Council adopts the following conditions:

C6a(2) All buildings (other than A, I, and M) shall be reviewed by the planning official for consistency with the criteria established for the approved Master Plan as amended.

C6e Building A shall be reduced in height and shall be redesigned to incorporate terracing and modulation of the building facades, which reflect and emphasize the Welcome Hill as a valuable natural feature and important land mark. The applicant may redistribute the floor area to other buildings in the business park with the exception of buildings F, M, K, R, and P. The maximum permitted height for the building O parapet shall not exceed 220 feet.

C6f All buildings shall be constructed with materials similar to those used for buildings C, D, and E.

Section 2. The Process III Permit shall be issued to the applicant, subject to the conditions hereinabove adopted (including those adopted by reference) by the City Council.

Section 3. Nothing in this resolution shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to this project, other than expressly set forth herein.

Section 4. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the process III Permit is subject shall be grounds for revocation in accordance with Ordinance No. 2740, as amended, the Kirkland Zoning Ordinance.

Section 5. A certified copy of this Resolution, together with the Findings, Conclusions and Recommendations herein adopted shall be attached to and become a part of the Process III Permit or evidence

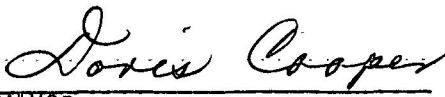
thereof delivered to the permittee.

Section 6. Certified or conformed copies of this Resolution shall be delivered to the following:

- (a) Department of Planning and Community Development of the City of Kirkland
- (b) Fire and Building Departments of the City of Kirkland
- (c) Public Works Department of the City of Kirkland
- (d) The City Clerk for the City of Kirkland.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 16th day of November, 1987.

Signed in authentication thereof this 16th day of November, 1987.


MAYOR

ATTEST:


City Clerk



ADVISORY REPORT

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

File No. III-87-22

Applicant Peter Henning

Subject Totem Skyline Business Park Master Plan

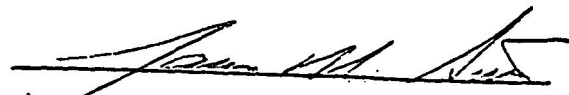
Location South of NE 124th Street on 113th Avenue NE

Prepared For: Kirkland City Council

Hearing/Meeting Date: October 5, 1987

Prepared By: Department of Planning and Community Development

Project Planner: Jeffrey S. Wilson Phone No. 828-1255


James Sutter, Chairman
Kirkland Planning Commission

Sept 11, 1987
Date

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I. INTRODUCTION

A. APPLICATION

1. The applicant is Peter Henning.
2. This is a Process III Permit to amend the approved Master Site Plan for the Totem Skyline Business Park in order to expand the business park by approximately seven acres with the addition of three new structures and two existing structures. The height of the three proposed structures in the expansion area would not exceed a maximum of 35 feet above average building elevation. The applicant has also requested that two existing buildings be added to the Master Plan as they now sit. Finally, the applicant has requested to amend four conditions outlining the existing master program (see Attachments 1-10 of Exhibit A).
3. The site is located on the south side of NE 124th Street on both the east and west sides of 113th Avenue NE and is zoned Planned Area 10B (PLA-10B), (see Attachment 11 to Exhibit A).
4. The main issues in this report are:
 - a. Compliance with Zoning Code Section 60.55.C for development of a business park (see Attachment 12 to Exhibit A).
 - b. Amendment to Condition No. 15 on the Notice of Approval for File No. III-85-78 relating to the location of the building at (see Attachment 13 to Exhibit A).
 - c. Amendment to Condition No. 17 on the Notice of Approval for File No. III-85-78 relating to design review of all buildings on the site rather than specifically related to Buildings A and M (see Attachment 13 to Exhibit A).
 - d. Amendment to Condition No. 20(C) of the Notice of Approval for File No. III-85-78 which requires that a 50-foot greenbelt be located along the south property line of the business park in order to buffer the residential properties to the south (see Attachment 13 to Exhibit A).
 - e. Amendment to Condition No. 21(C) of the Notice of Approval for File No. III-85-78 relating to the timing for the installation of the entire right-of-way improvements (see Attachment 13 to Exhibit A).

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B. PUBLIC HEARING

The Planning Commission conducted public hearings on this application on July 16, July 23, and September 3, 1987.

C. RECOMMENDATIONS

Based on Findings of Fact and Conclusions set forth in Section II and III of this report, the Planning Commission recommends approval of this application, subject to the following conditions:

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 14, Development Standards of the Department of Planning and Community Development Advisory Report (Exhibit A), is provided to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations.
2. The Department of Planning and Community Development shall be authorized to approve minor modifications to the site plan proposal, provided that such adjustments do not significantly increase the gross floor area, reduce the approved setback yards, reduce the required parking ratio, significantly change any points of ingress or egress to the site, or alter any other conditions of approval.
3. The conditions of the approved Master Site Plan, File No. III-85-78, (see Attachment 13 to Exhibit A), shall remain in force, except as amended by this application.
4. Condition No. 4 of the approved Master Plan, File No. III-85-78, shall be replaced with the following:

The maximum permissible gross floor area shall not exceed 750,300 square feet (see Conclusion III.D.8 of Exhibit A).

5. Condition No. 15 of the approved Master Plan, File No. III-85-78, shall be replaced with the following:

The Master Plan shall be revised to eliminate those portions of Building F, and its associated parking, which encroach on the 200-foot contour line. The reduction in building gross square footage, if any, may be transferred to one or more buildings in the business park, except Buildings A, K, and M, if parking associated with the

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buildings which are increased in area is provided. The Department of Planning and Community Development shall review and approve the revised Master Plan, including any increase in building height, if building square footage is transferred from Building F to other buildings (see Conclusion III.D.9 of Exhibit A).

6. Condition No. 17 of the approved Master Plan, File No. III-85-78, shall be replaced with the following:
 - a. The City shall review and decide upon the design of the buildings within the Master Plan site as follows:
 - (1) Buildings A, and M shall be reviewed using Process III, Zoning Code Chapter 150.
 - (2) The first building proposed subsequent to final City approval of this application (File III-87-22) other than buildings A, I, and M shall be reviewed by the Planning Commission at a regularly scheduled Commission meeting. Notice of the meeting shall be provided to all parties of record for this application (File III-87-22) at least one week prior to the meeting.
 - (3) All other buildings shall be reviewed by the Planning Official consistent with the criteria established by the Planning Commission in 6.a(2) above.
 - b. Prior to City review of the design of each building, the applicant shall submit the following:
 - (1) Details of all exterior sides of the buildings showing the specific type and area of facade materials and textures to be used (i.e., the percent of glass, bare and/or painted concrete, wood, stucco, tile, brick, etc.).
 - (2) Details of roof treatment and roof-mounted or ground-mounted HVAC units and their screening.
 - (3) Details of building modulation for all sides of the building.
 - (4) Sample color chips, full color renderings and facade material samples for the exterior treatment of the building.

- c. Building I shall be constructed with materials, in similar proportions, colors, and textures, as buildings C, D, and E. The amount of visible concrete shall not exceed that of Building D.
- d. Buildings A and M shall be configured in a terracing arrangement so that the lower stories are closest to the property line and the upper stories are furthest from the property line.
- e. Building A shall be reduced in height and shall be re-designed to incorporate terracing and modulation of the building facades which reflect and emphasize the Welcome Hill as a valuable natural feature and important landmark. The applicant may redistribute the floor area to other buildings in the business park, with the exception of buildings F, M, K, O, R, and P.
- f. The design of all buildings, except building I and those which are already constructed, shall meet the following criteria:
 - (1) Building facades shall consist predominantly of materials such as wood, masonry, brick, tile, or nonmirrored glass.
 - (2) The aggregate use of bare concrete, painted concrete, and metal shall not constitute a total of more than 40 percent of the exterior building facades. Mirrored glass is prohibited.
- g. Materials, and colors amongst all the buildings shall be complementary and enhance the visual coherence of the entire project.

(See Conclusion III.D.10 of Exhibit A)

- 7. Condition No. 19 of the approved Master Plan, File No. III-85-78, shall be replaced with the following:

The applicant shall submit a revised parking plan for the entire Master Plan site, showing the proposed 2132 parking spaces, and designating 1795 of these to be developed. The remaining 337 parking spaces shall not be developed unless, upon construction of at least 75 percent of the approved total building square-footage for the Master Plan, the applicant can demonstrate to the satisfaction of the

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Department of Planning and Community Development that the additional parking is needed (see Conclusion III.D.6 of Exhibit A).

8. Allow the southern 40 feet of the 50-foot buffer strip required along the south property line by Condition No. 20(c) of the approved Master Plan, File No. III-85-78, to occur within a 40-foot natural greenbelt easement located along the north property line of the property located immediately south of the southernmost portion of the Master Plan (see Attachment 23 and Conclusions III.D.11 and 13 of Exhibit A).
9. Condition No. 21(d) of the approved Master Plan, File No. III-85-78, shall be replaced with the following:

All right-of-way improvements for the approved Master Plan shall be installed according to the following guidelines:

- (1) Prior to the issuance of a Certificate of Occupancy for any of Buildings F through M, the applicant shall install all remaining right-of-way improvements for the NE 120th Street/115th Avenue NE loop road.
 - (2) Prior to the issuance of Certificate of Occupancy for Building F or the issuance of a building permit which causes the total gross square footage of floor area in the business park to exceed 563,000 square feet, whichever occurs first, the applicant shall install all right-of-way improvements for NE 122nd Place.
 - (3) Prior to the issuance of a Certificate of Occupancy for any of Buildings J through M, or the issuance of a building permit which causes total gross square footage of floor area in the business park to exceed 563,000 square feet, whichever occurs first, the applicant shall install all right-of-way improvements for 115th Avenue NE (south of the loop road) and NE 118th Place (see Conclusion III.D.12 of Exhibit A).
10. Within 60 days of the approval of this application by the City Council, or prior to the issuance of the next building permit, whichever shall occur first, the "illegal" nonconforming billboard sign located on the south side of NE 124th Street (see Attachment 22 to Exhibit A) shall be permanently removed, unless, the applicant can provide to the Department of Planning and Community Development a valid permit which allowed the construction of the billboard at its specific location. If a valid building permit can be provided, then the billboard sign

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shall be removed within 120 days of the approval of this application by the City Council or prior to the issuance of the next building permit, whichever shall occur first (see Conclusion III.D.18 and III.F.5 of Exhibit A, and III.D.18.a and .b of Exhibit L).

11. Prior to the issuance of the next building or grading permit, the applicant shall:
 - a. Submit revised landscaping plans for Buildings O, and R, showing landscaping which meets the minimum requirements of Zoning Code 95.25.2 for the west property line of Building O, and the south property line of Building R, unless the adjacent property owners agree to a reduction of the required landscaping, pursuant to Zoning Code Section 95.25.9, or the adjacent residential properties are incorporated into the Master Plan (see Conclusion III.D.4 of Exhibit A).
 - b. Submit a revised Master Site Plan and Master Landscape Plan for the entire approved Master Plan area.
12. Prior to issuance of a Building Permit for each building, the applicant shall:
 - a. Submit to the Department of Public Works for approval plans for a permanent and construction phase storm water control system (see Conclusion III.D.15 of Exhibit A).
 - b. Submit to the Department of Planning and Community Development for approval a revised site plan indicating the locations of all approved buildings in the Master Plan.
 - c. Submit to the Department of Planning and Community Development for recording with the King County Records and Elections Division a concomitant agreement to underground all existing utility lines bordering the Master Plan area within the NE 124th Street and 113th Avenue NE rights-of-way (see Conclusion III.D.16 of Exhibit A).
13. Prior to occupancy of each appropriate building, the applicant shall:
 - a. Complete the installation of the half-street improvements required by Zoning Code Sections 110.40 and 110.60 within the 113th Avenue NE and NE 122nd Way rights-of-way along Buildings O, and R property frontage. These improvements

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shall include: Sidewalks and landscaping (see Conclusion III.D.16 of Exhibit A).

- b. Complete the installation of the half street improvements required by Zoning Code Sections 110.50 and 110.60 with the NE 124th Street right-of-way along Buildings R and O property frontage. These improvements shall include: Curb, gutter, sidewalk, and landscape strip (see Conclusion III.D.16 of Exhibit A).
- c. Install a fully operational permanent storm water control system (see Conclusion III.D.15 of Exhibit A).
- d. Complete all site improvements indicated on the site plan approved by the Department of Planning and Community Development at the time of application for a Building Permit.
- e. Submit to the Department of Planning and Community Development a security device to ensure maintenance of landscaping, the permanent storm water retention system, and other site improvements (see Conclusion III.D.19 of Exhibit A).
- f. Submit to the Department of Planning and Community Development for recording with the King County Records and Elections Division an agreement to maintain the landscaping within the NE 124th Street, 113th Avenue NE, NE 122nd Way, 115th Avenue NE, NE 122nd Place, NE 120th Street, and NE 118th Place rights-of-way (see Conclusion III.D.17 of Exhibit A).
- g. In lieu of completing any required improvements, a security device to cover the cost of installing the improvements may be submitted if the criteria in Zoning Code Section 175.10.2 are met (see Conclusion III.D.20 of Exhibit A).

- 14. The site which contains building N shall be deleted from the Master Site Plan (see Conclusion III.B of this report).

II. FINDINGS OF FACT:

- A. The Findings of Fact recommended on pages 7-17 of the Department of Planning and Community Development Advisory Report and page 4 of Exhibit L are found by the Planning Commission to be supported by the evidence presented during the hearing, and by this reference are adopted as the Planning Commission's findings of fact. Copy of said report is attached hereto as Exhibit A.

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III. CONCLUSIONS:

- A. The conclusions recommended by the Department of Planning and Community Development as set forth on pages 18-23 of the Department's report and page 5 of Exhibit L, accurately set forth the conclusions of the Planning Commission and by this reference are adopted as the Planning Commission's conclusions. A copy of said report is attached hereto as Exhibit A.
- B. The development of a business park office/industrial building (Building N) between two existing detached dwelling units would be inconsistent with the established residential land use and character on the west side of 113th Avenue NE.

IV. RECONSIDERATIONS, CHALLENGES AND JUDICIAL REVIEW

A. REQUEST FOR RECONSIDERATION

Section 155.75 of the Zoning Code allows the applicant and any person who submitted written or oral comments to the Planning Commission to request that the Planning Commission reconsider its recommendation. The request must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department no later than 5 p.m. on September 21. Within this same time period, the person making the appeal must also mail or personally deliver a copy of the appeal to the applicant and all other people who submitted comments to the Planning Commission. Proof of such mail or personal delivery must be made by affidavit, which is attached to the appeal letter delivered to the Planning Department.

B. CHALLENGE

Section 155.85 of the Zoning Code allows the Planning Commission's recommendation to be challenged by the applicant and any person who submitted written or oral comments to the Planning Commission. The challenge must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department no later than 5 p.m. on September 28, 1987. Within this same time period, the person making the challenge must also mail or personally deliver a copy of the challenge to the applicant and all other people who submitted comments to the Planning Commission. Proof of such mail or personal delivery must be made by affidavit, which is attached to the challenge letter delivered to the Planning Department. The affidavit form is available from the Planning Department. Any person wishing to file a challenge should contact the Planning Department for further procedural information.

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V. LAPSE OF APPROVAL

Under Section 155.115.1 of the Zoning Code, the applicant must begin the development activity, use of land, or other actions approved under Chapter 155 within one year after the final decision on the matter or the decision becomes void. Application and appeal procedures for a time extension are described in Sections 155.115.2 and 155.115.3.

VI. APPENDICES

Exhibits A through Z are attached.

- A - Department of Planning and Community Development Advisory Report
- A. Staff Advisory Report (7/9/87)
- B. Letter from Roger Decker (6/23/87)
- C.1 Photo of Existing Skyline Buildings
- C.2 Photo of Existing Skyline Buildings
- C.3 Photo of Existing Skyline Buildings
- D. Slides of Skyline Project (see file)
- E. Letter from Mary Catherine Yeagley (7/16/87)
- F. Memo from Larry Yeagley (7/16/87)
- G. Letter from Peter Henning; re: Design Review of Building: C-E (11/17/86)
- H.1 Photo of Rismondo Property
- H.2 Photo of Rismondo Property
- H.3 Photo of Rismondo Property
- I. Transparency of pages 23 and 24 of original T.D.A. Traffic, submitted by Mr. Yeagley
- J. Letter from Washington State Department of Transportation (7/13/87)
- K. Letter from Ms. Catherine S. Harrington (7/20/87)
- L. Memo from Eric Shields (7/22/87)
- M. Letter from Wayne and Peggy Siscoe (7/23/87)
- N. Letter from Alan Aramaki to Peter Henning; regarding Chaussee Wetlands (7/23/87)
- O. Letter from Ms. Flores (7/16/87)
- P. Transparency of site plan from File No. III-85-78
- Q. Letter from Mr. Yeagley (7/23/87)
- R. Definition of "Minimize" from Webster's - Second College Edition of the New World Dictionary of the American Language
- S. Definition of "Predominant" from Webster's - Second College Edition of the New World Dictionary of the American Language
- T. Slides of "Chaussee" Wetland (Taken 7/22/87) (see file)
- U. Transparency of Mr. Chaussee's Property Tax Statement (1988)
- V. Letter from Mrs. Yeagley (7/23/87)
- W. Revision to Recommendation No. 6
- X. Letter from Ralph Thomas, City Attorney, to the Planning Commission (8/27/87)

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- Y. Letter from David O. Fields to the Planning Commission (7/27/87)
- Z. Material from David Fields

VII. PARTIES OF RECORD

Department of Planning and Community Development
Department of Public Works
Department of Building and Fire Services
Alan Aramaki, PE ABA, Inc., 6141 NE Bothell Way, Seattle, WA 98155
Hartley Chaussee, 11061 NE 124th Street, Kirkland, WA 98034
Roger L. Decker, Boyd & Decker, P.S., Inc., 909 Honneywell Center
600 - 108th NE, Bellevue, WA 98004
David O. Fields, 12007 - 113th Avenue NE, Kirkland, WA 98034
Beverly Flores, 11718 - 114th Avenue NE, Kirkland, WA 98034
Catherine S. Harrington, 11649 120th Avenue NE, Kirkland, WA 98034
Peter Henning, WestAmerica Assoc., 11411 NE 124th Street
Kirkland, WA 98034
Jerry Hillis, 500 Galland Building, 1221 - 2nd Avenue, Seattle, WA
98101-2925
James L. Lutz, P.E. Utilities Engineer, P.O. Box C-81410
Seattle, WA 98108-1310
Estelle Rismondo, 12059 - 113th Avenue NE, Kirkland, WA 98034
Wayne G. and Peggy J. Siscoe, 11422 NE 116th Street, Kirkland, WA 98034
Mary Catherine Yeagley, 11712 - 114th Avenue NE, Kirkland, WA 98034
Larry Yeagley, 11712 - 114th Avenue NE, Kirkland, WA 98034
Eugene D. Zelensky, 1200 IBM Building, Seattle, WA 98101



ADVISORY REPORT

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

File No. III-87-22

Applicant Peter Henning

Subject Totem Skyline Business Park Master Plan

Location So. of NE 124th St. on 113th Avenue N.E.


Prepared For: Kirkland Planning Commission

Hearing/Meeting Date: July 16, 1987

Prepared By: Planning and Community Development

Project Planner: Jeffrey S. Wilson

Phone No. 828-1255



Joseph W. Tovar
Director, Department of Planning
and Community Development

7/9/87

Date

I. INTRODUCTION

A. APPLICATION

1. The applicant is Peter Henning.
2. This is a Process III Permit to amend the approved Master Site Plan for the Totem Skyline Business Park in order to expand the business park by approximately seven acres with the addition of three new structures and two existing structures. The height of the three proposed structures in the expansion area would not exceed a maximum of 35 feet above average building elevation. The applicant has also requested that the two existing buildings be added to the Master Plan as they now sit. Finally, the applicant has requested to amend four conditions outlined in the existing approved Master Program (see Attachments 1-10).
3. The site is located on the south side of NE 124th Street on both the east and west sides of 113th Avenue NE and is zoned Planned Area 10B (PLA-10B), (see Attachment 11).
4. The application materials and other information pertinent to the application are contained in File No. III-87-22, which is incorporated in this report by reference.
5. The main issues in this report are:
 - a. Compliance with Zoning Code Section 60.55.c for development of a business park (see Attachment 12).
 - b. Amendment to Condition No. 15 on the Notice of Approval for File No. III-85-78 relating to location of Building F (see Attachment 13).
 - c. Amendment to Condition No. 17 on the Notice of Approval for File No. III-85-78 relating to design review of all buildings on the site rather than specifically related to Buildings A and M (see Attachment 13).
 - d. Amendment to Condition No. 20 (c) of the Notice of Approval for File No. III-85-78 which requires that a 50-foot greenbelt be located along the south property line of the business park in order to buffer the residential properties to the south (see Attachment 13).
 - e. Amendment to Condition No. 21 (d) on the Notice of Approval for File No. III-85-78 relating to timing for the installation of the entire right-of-way segment (see Attachment 13).

- f. Expansion of the Master Plan to include two existing buildings identified as Buildings P and Q and three new buildings identified as Buildings N, O, and R to the business park complex (see Attachment 3).

B. RECOMMENDATIONS

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

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 14, 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.
2. The Department of Planning and Community Development shall be authorized to approve modifications to the approved site plan, unless:
 - a. There is a change in use and the Zoning Code establishes different or more rigorous standards for the new use than for the existing use; or
 - b. The Planning Director determines that there will be substantial changes in the impacts on the neighborhood or the City as a result of the change.
3. The conditions of the approved Master Site Plan, File No. III-85-78, (see Attachment 13), shall remain in force, except as amended by this application.
4. Condition No. 4 of the approved Master Plan, File No. III-85-78, shall be replaced with the following:

The maximum permissible gross floor area shall not exceed 771,300 square feet (see Conclusion III.D.8.).

5. Condition No. 15 of the approved Master Plan, File No. III-85-78, shall be replaced with the following:

The Master Plan shall be revised to eliminate those portions of Building F, and its associated parking, which encroach on the 200-foot contour line. The reduction in building gross square footage, if any, may be transferred

Peter Henning
File No. III-87-22
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to one of more buildings in the business park, except Buildings A, K, and M, if parking associated with the buildings which re increased in area is provided. The Department of Planning and Community Development shall review and approve the revised Master Plan, including any increase in building height, if building square footage is transferred from Building F to other buildings (see Conclusion III.D.9.).

6. Condition No. 17 of the approved Master Plan, File No. III-85-78, shall be replaced with the following:

The City shall review and decide upon the design of Buildings A, M, O, and R, and any exterior remodel or addition to Buildings P and Q, using Process III, Zoning Code Chapter 115. The design of all other buildings shall be reviewed and decided upon by the Planning Official.

Prior to submittal of any building permits, the applicant shall submit the following for review:

- (a) Details of all sides of the exterior, the buildings showing the exact building materials and textures to be used (i.e., the percent of glass, concrete, wood stucco, wood screen, etc.).
- (b) Details of the roof treatment, and roof-mounted HVAC units with screening.
- (c) Details of building modulation for all sides of each building.
- (d) Sample color chips and color renderings for the exterior treatment of the buildings.

The design of Buildings A, M, O, R, P, and Q must meet the following criteria:

- (e) Building facades shall consist predominantly of materials such as wood, masonry, brick, tile, or glass. Bare and painted concrete; metal or reflecting glass shall be minimized.
- (f) Materials and colors shall be complimentary to the balance of the structure and enhance the visual coherence of the entire project.

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- (g) Building bulks shall be configured in a terracing arrangement so that the lower stores are closest to the property line and the upper stores are furthest from the property line.
- (h) Building A shall be reduced in height and shall be redesigned to incorporate terracing and modulation of the building facades which reflect and emphasize the "Welcome Hill" as a valuable natural feature and important landmark. The applicant may redistribute the floor area to other buildings on the business park, with the exception of Buildings F, M, and K.

The design of all other buildings must meet the following criteria:

- (i) Building facades shall consist predominantly of materials such as wood, masonry, brick, tile, glass, or painted concrete (similar to existing Buildings C, D, and E). Bare concrete; metal or reflecting glass shall be minimized.
- (j) Materials and colors shall be complimentary to the balance of the structure, and enhance the visual coherence of the entire project (see Conclusion III.D.10.).

7. Condition No. 19 of the approved Master Plan, File No. III-85-78, shall be replaced with the following:

The applicant shall submit a revised parking plan for the entire Master Plan site, showing the proposed 2177 parking spaces, and designating 1840 of these to be developed. The remaining 337 parking spaces shall not be developed unless, upon construction of at least 75 percent of the approved total building square-footage for the Master Plan, the applicant can demonstrate to the satisfaction of the Department of Planning and Community Development that the additional parking is needed (see Conclusion III.D.6.).

8. Allow the southern 40 feet of the 50-foot buffer strip required along the south property line by Condition No. 20(c) of the approved Master Plan, File No. III-85-78, to occur within a 40-foot natural greenbelt easement located along the north property line of the property located immediately south of the southernmost portion of the Master Plan (see Attachment 23 and Conclusions III.D.11. and 13.).

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9. Condition No. 21(d) of the approved Master Plan, File No. III-85-78, shall be replaced with the following:

All right-of-way improvements for the approved Master Plan shall be installed according to the following guidelines:

- (1) Prior to the issuance of any Certificate of Occupancy for Buildings F through M, the applicant shall install all remaining right-of-way improvements for the NE 120th Street/115th Avenue NE loop road.
 - (2) Prior to the issuance of Certificate of Occupancy for Building F or the issuance of a building permit which causes the total gross square footage of floor area in the business park to exceed 563,000 square feet, whichever occurs first, the applicant shall install all right-of-way improvements for NE 122nd Place.
 - (3) Prior to the issuance of any Certificate of Occupancy for Buildings J through M, or the issuance of a building permit which causes total gross square footage of floor area in the business park to exceed 563,000 square feet, whichever occurs first, the applicant shall install all right-of-way improvements for 115th Avenue NE (south of the loop road) and NE 118th Place (see Conclusion III.D.12.).
10. Within 120 days of the approval of this application by the City Council or prior to the issuance of the next building permit, whichever shall occur first, the nonconforming billboard sign located on the south side of NE 124th Street (see Attachment 22) shall be permanently removed (see Conclusions III.D.18. and III.F.5.).
11. Prior to the issuance of the next building or grading permit, the applicant shall:
- a. Redesign the site for Building N to identify the regulated wetland and the required 50-foot buffer area around the perimeter of the regulated wetland, redesign the site so that all structures and improvements are not located within the regulated wetland or its buffer, and submit to the Planning Department for approval.
 - b. Submit a completed approved "Natural Greenbelt" easement for the regulated wetland and its buffer, to the City for recording in King County.

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- c. Submit revised landscaping plans for Buildings N, O, and R, showing landscaping which meets the minimum requirements of Zoning Code 95.25.2 for the north and south property lines of Building N, the west property line of Building O, and the south property line of Building R, unless the adjacent property owners agree to a reduction of the required landscaping, pursuant to Zoning Code Section 95.25.9, or the adjacent residential properties are incorporated into the Master Plan (see Conclusion III.D.4.).
 - d. Submit a revised Master Site Plan and Master Landscape Plan for the entire approved Master Plan area.
12. Prior to issuance of a Building Permit for each building, the applicant shall:
- a. Submit to the Department of Public Works for approval plans for a permanent and construction phase storm water control system (see Conclusion III.D.15.).
 - b. Submit to the Department of Planning and Community Development for approval a revised site plan indicating the locations of all approved buildings in the Master Plan, as well as the redesign of the site for Building N.
 - c. Submit to the Department of Planning and Community Development for recording with the King County Records and Elections Division a concomitant agreement to underground all existing utility lines bordering the Master Plan area within the NE 124th Street and 113th Avenue NE rights-of-way (see Conclusion III.D.16.).
13. Prior to occupancy of each appropriate building, the applicant shall:
- a. Complete the installation of the half-street improvements required by Zoning Code Sections 110.40 and 110.60 within the 113th Avenue NE and NE 122nd Way rights-of-way along Buildings N, O, and R property frontage. These improvements shall include: Sidewalks and landscaping (see Conclusion III.D.16.).
 - b. Complete the installation of the half street improvements required by Zoning Code Sections 110.50 and 110.60 with the NE 124th Street right-of-way along Buildings R and O property frontage. These improvements shall include: Curb, gutter, sidewalk, and landscape strip (see Conclusion III.D.16.).

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- c. Install a fully operational permanent storm water control system (see Conclusion III.D.15.).
- d. Complete all site improvements indicated on the site plan approved by the Department of Planning and Community Development at the time of application for a Building Permit.
- e. Submit to the Department of Planning and Community Development a security device to ensure maintenance of landscaping, the permanent storm water retention system, and other site improvements (see Conclusion III.D.19.).
- f. Submit to the Department of Planning and Community Development for recording with the King County Records and Elections Division an agreement to maintain the landscaping within the NE 124th Street, 113th Avenue NE, NE 122nd Way, 115th Avenue NE, NE 122nd Place, NE 120th Street, and NE 118th Place rights-of-way (see Conclusion III.D.17.).
- g. In lieu of completing any required improvements, a security device to cover the cost of installing the improvements may be submitted if the criteria in Zoning Code Section 175.10.2 are met (see Conclusion III.D.20.).

II. FINDINGS OF FACT

A. SITE DESCRIPTION

1. Existing Development and Zoning: The existing business park contains four completed buildings (Buildings B, C, D, and E). The areas of expansion of the business park contain two single-family residences, one which is located on the south side of NE 124th Street, east of Building P, and one which is located on the property to the west of 113th Avenue N.E (location of Building N). All of the areas of the proposed application (existing business park and proposed expansion areas), are zoned Planned Area 10B, which permits office, church, and business park uses (see Attachment 11).
2. Terrain: In the areas of the expansion, slopes are generally less than ten percent. However, there is a ridge located south of Building R and north of Building O which has slopes in excess of ten percent (see Attachment 3).
3. Vegetation: Approximately half of the expansion area is currently developed with two structures and associated landscaped (sites for Buildings P and Q). The remaining portions of the site contain two single-family residential lots (sites for Buildings N and O) and an undeveloped lot (site of Building R).

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The single-family residences have landscaping common to developed single-family lots, while the undeveloped lot of the expansion area has scrub vegetation. In addition, there is a regulated wetland which exists in the northwest portion of the "Knight" property (location of Building N).

4. Neighboring Development and Zoning: The area immediately to the west and north of the site contains single-family dwelling units and a church, and is zoned Planned Area 10B. To the north side of NE 124th Street is property which is currently in the County and developed with commercial buildings. This area is undergoing annexation proceedings to be included in the City. To the south are single-family dwelling units zoned for low density residential use (RS 7.2). To the east are undeveloped areas containing a heavily vegetated hill (known as Welcome Hill) and zoned Planned Area 10A and the Fred Meyer and Northwest Construction sites zoned Light Industrial. To the southeast is the Pacific Technology/Butler Manufacturing site, zoned Planned Area 11 (see Attachment 11).

B. HISTORY

1. During 1985, King County issued grading permits for the subject site, which brought in more than 40,000 cubic yards of fill on the site. The fill material in the central western portion of the site next to the wetland was initially placed without King County permits.
2. In April, 1985, the City adopted Ordinance No. 2863, which established the Comprehensive Plan and zoning text for Planned Area 10B.
3. In September, 1985, the property was annexed to the City.
4. In October, 1985, the City issued a building permit for Building B of the Master Plan site, to be used as an office building, as permitted by Section 60.55.c. of the Zoning Code.
5. In January, 1986, the City issued a SEPA Determination of Nonsignificance with conditions. Subsequently, an appeal to the Determination was filed and the Hearing Examiner held a public hearing on the appeal. The decision of the Hearing Examiner was to uphold the City's Determination of Nonsignificance but to call for additional traffic and wetlands studies with further traffic impact mitigations (see File No. III.85-78, part 2).
6. Following the additional studies, the City issued a new Determination of Nonsignificance on September 5, 1986.

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7. On June 13, 1986, Eileen Callopy, representing WestAmerica Associates, applied for a Process IIA permit to allow a church to be located in Building B (existing) of the business park, and within the future Building D of the business park currently completed. On July 23, 1986, the Hearing Examiner approved the church to be located in Building B, but deferred to the Planning Commission the decision about locating a church in Building D or any other building contained in the Master Plan (see File No. IIA-86-56).
8. On June 19, 1986, Mr. Peter Henning submitted an application for a street vacation for a portion of the NE 120th Street right-of-way, between approximately 114th Avenue NE and 116th Avenue NE. The City Council held a public hearing on the application on August 4, 1986, but decided to defer a decision on the matter until the Planning Commission had reviewed and made a recommendation on the Master Plan application.
9. On November 3, 1986, the City Council approved File No. III-85-78, the original Totem Skyline Business Park Master Site Plan which permitted the development of 13 office/warehouse structures of approximately 669,000 square feet to be located on the current 30-acre site (see Attachments 13).
10. On November 3, 1986, the City Council approved the intent to vacate portions of 128th street right-of-way between approximately 114th Avenue a NE and 116th Avenue NE as applied for under File No. VC-86-55. On November 2, 1986, the City Council adopted Ordinance No. 3004 which completed the right-of-way vacation.
11. On June 16, 1987, the Planning Director approved the joint Comprehensive Sign Plan and Off-Site directional sign for the Totem Skyline Business Park as applied for in File No. I-87-26.

C. STATE ENVIRONMENTAL POLICIES ACT (SEPA)

A Determination of Non-Significance was issued on June 17, 1987. The Environmental Checklist, Determination and additional Environmental Information are included as Attachment 15.a through 15.f.

D. ZONING CODE COMPLIANCE

1. The applicant has the responsibility of convincing the City that, based on the criteria in the Zoning Code, the applicant is entitled to the requested decision.

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2. The Use Zone Chart addressing a business park in the Planned Area 10B zone (Section 60.55.c.) is included as Attachment 12.
3. Zoning Code Section 60.55.c indicates that the maximum permitted height is the lesser of six stories or 60 feet (see Attachment 12). The three proposed new buildings (N, O, and R) are adjacent to low density single-family uses. These buildings will not be any greater than 35 feet above average building elevation (see Attachments 2.b and 9.).
4. Special Regulation 5 for a business park in Planned Area 10B (Section 60.55.c), states that development must be compatible in height and placement with adjacent low density residential uses and must be designed to minimize view obstruction to properties to the south (see Attachment 12).
5. Section 60.55.c. establishes that the maximum lot coverage allowed for a business park in Planned Area 10B is 80 percent (see Attachment 12). The proposed site plan has a lot coverage of approximately 72 percent (see Attachment 9).
6. Zoning Code Section 60.55.c indicates that the required landscaping for a business park is to be determined through the Master Plan review process. The proposed landscaping for the new buildings (N, O, and R) is shown on Attachments 7 and 8.
7. Special Regulation 1 for a business park in Planned Area 10B (Section 60.55.c.) allows accessory uses, such as restaurants, limited sports facilities, day-care facilities, and any other uses considered compatible with office and light manufacturing uses (see Attachment 12). The proposed revisions to the Master Plan includes one (1) existing restaurant (Building Q) and one (1) proposed restaurant (Building R).
8. Special Regulation 2 for a business park in Planned Area 10B (Section 60.55.c.), establishes that the required parking spaces shall be determined as part of the Master Plan. Using the standard parking requirements established by Code for similar uses in other zones, the parking requirements for the new buildings would be as follows:

<u>Land Use</u>	<u>Area</u>	<u>Requirement</u>	<u>Spaces</u>
Office	25,200 gsf	1/300 gsf	= 84
Light Manufact.	16,800 gsf	1/1000 gsf	= 16.8 (17)
Restaurant	10,000 gsf	1/100 gsf	= 100
Total Parking Required (this application)			= 117
Parking Approved w/Master Plan			= 1,723

9. In Attachment 9, the applicant proposes to have 1930 parking stalls on the site.
10. Special Regulation 7 for a business park in Planned Area 10B (Section 60.55.c.), prohibits a secondary access point onto NE 124th Street (see Attachment 12). The primary access to NE 124th Street from the subject site is via 113th Avenue NE. There is, however, existing access to NE 124th Street for the two (2) existing buildings (Buildings P and Q). The applicant also has shown that Building R will access directly to 113th Avenue NE as well as to and through the existing parking lot for Buildings P and Q onto NE 124th Street (see Attachment 3).
11. Special Regulation 8 for a business park in Planned Area 10B (Section 60.55.c.) requires a 50-foot wide sight-obscuring landscape buffer to be provided adjacent to any low density residential zone (see Attachment 12).
12. Condition No. 4 of the approved Master Plan, File No. III-85-78 (see page 5 of Attachment 13) specifies that the maximum gross building area approved for the Business Park is 669,000 square feet. The proposal submitted by the applicant would increase the total approved gross building area by 102,300 square feet, for a total of 771,300 square feet.
13. The applicant has requested to amend condition No. 15 of the approved Master Plan, File No. III-85-78 (see Attachments 13), to allow the Building F and its parking areas to be located up to the 200 foot elevation of "Welcome Hill" (see Attachments 2.a, 2.c, 6, 18, and 25). Special Regulation 12 for a business park in Planned Area 10B (Section 60.55.c.), requires that development must retain and maintain the existing hill form and 75 percent of the significant trees located on the northeast portion of the subject property. Supplemental plantings may be required (see Attachment 12).
14. The applicant has requested to amend condition No. 17 of the approved Master Plan, File No. III-85-78, pertaining to the design review criteria for all buildings other than A and M (see Attachments 2.a, 2.c and 13).
15. The applicant has requested to amend Condition No. 20(c) of the approved Master Plan, File No. III-85-78, to permit 40 feet of the 50-foot wide buffer strip along the south property line south of Building M to be located on the adjacent residential property to the south of the business park, which is currently owned by the applicant (see Attachment 23). The applicant is

proposing that an easement of 40 feet be granted along the north property line of the residential property in addition to ten feet along the south property line of Building M to accommodate the 50-foot buffer requirement (see Attachments 2.c and 3).

16. The applicant has requested to amend Condition No. 21(d) of the approved Master Plan, File No. III-85-78, to revise the timing for installation of the public improvements to complete the loop road (NE 120th Street and 115th Avenue NE) and installation of the public improvements for the secondary access roads (see Attachments 2.a, 2.c and 13).
17. It has been determined by staff that a regulated wetland, pursuant to Zoning Code Sections 5.10.768 and 90.20, exists on the site for Building N (see Attachment 15.e).
18. Section 90.05 establishes special regulations that apply to development in or near a regulated wetland. Section 90.25 states that the minimum setback from a regulated wetland is 50 feet. The proposed site plan for Building N (see Attachment 6) does not provide the minimum required 50 foot setback from the regulated wetland.
19. Section 95.45 authorizes the City to require the applicant to dedicate development rights, air space, or an open space easement to the City to insure compliance with landscaping requirements.
20. Section 105.80 requires parking lots to be surrounded by a five-foot wide landscape strip containing one row of trees, two inches in diameter planted 30 feet on center with no more than 25 percent of the trees being deciduous.
21. Chapter 107 sets forth requirements for both construction phase and permanent storm water control.
22. Chapter 110 establishes right-of-way improvement requirements (this applies to the expansion area only, Buildings N, O, P, Q, and R):
 - a. Section 110.10 and 110.25 require the applicant to make half street improvements in rights-of-way abutting the subject property. The subject property abuts 113th Avenue NE which is shown on the City Rights-of-Way Designation Map as a Collector Street, NE 124th Street which is shown on the City Rights-of-Way Designation Map as a Primary Arterial, and NE 122nd Way which is shown on the City Rights-of-Way Designation Map as a Collector Street.

- b. Section 110.40 establishes the required improvements for a Collector Street. Currently, 113th Avenue NE is improved with curb and gutter only on the west side (adjacent to Building N). On the east side of the right-of-way adjacent to Building R, the street is improved with curb and gutter, with a sidewalk immediately behind the curb. The frontage on NE 122nd Way is improved with curb and gutter only.
 - c. Section 110.50 establishes the required improvements for a primary arterial. Northeast 124th Street is currently improved with asphalt only between Building P and 113th Avenue NE.
 - d. Section 110.60.1 establishes the requirement that existing utility lines be undergrounded if this is determined to be feasible by the Public Works Director. If undergrounding is not feasible, the applicant is required to sign a concomitant agreement to underground the overhead lines at a future date. Currently, 113th Avenue NE, abutting the subject property, has overhead lines on the west side of the street, and NE 124th Street, abutting the subject property, also has overhead lines on the south side of the street.
 - e. Sections 110.60.4 and .5 require the owners of property abutting a right-of-way to submit for recording an agreement, which runs with the property, to maintain landscaping with the landscape strip and landscape island portions of the right-of-way.
23. Zoning Code Section 162.35.5.a(1) specifies what types of signs are classified as a major nonconforming sign. There currently exists a billboard sign on the south side of NE 124th Street between Buildings P and R (see Attachment 22). The existing billboard sign is classified as a major nonconforming sign based on the criteria outlined in Section 162.35.5.a(1)(a), (b), (f), and (g) (see Attachment 16).
- Furthermore, Zoning Code Section 162.25.1.m (Nonconformance - Immediate Compliance With Certain Provisions Required) outlines what nonconformances the City may seek to immediately abate of (see Attachment 17).
24. Section 155.70.3 states that a Process III application may be approved if:
- a. It is consistent with the goals and policies of the Comprehensive Plan;

- b. It is not inconsistent with any specific provisions of the Comprehensive Plan; and
 - c. It is consistent with the public health, safety and welfare.
25. Section 155.125.2 permits modification to the specific use or site plan approved through Process III without having the modifications reviewed using that process, unless:
- a. There is a change in the use and the Zoning Code establishes different or more rigorous standards for the new use than for the existing use; or
 - b. The Planning Director determines that there will be substantial changes in the impacts on the neighborhood or the City as a result of the change.
26. Section 175.10.2 establishes the circumstances under which the City may consider the use of performance bonds in lieu of completion of certain site work prior to occupancy. The City may consider a performance bond only if: the inability to complete work is due to unavoidable circumstances beyond the control of the applicant; there is certainty that the work can be completed in a reasonable period of time; and occupancy prior to completion will not be materially detrimental to the City or properties adjacent to the subject site.
27. Sections 95.40, 105.105, 107.90.3, and 175.10.1 allow the City to require a maintenance bond to ensure continued compliance with code requirements.

E. TECHNICAL COMMITTEE

Comments and requirements placed on the project by other departments are found on the Development Standards Sheet, Attachment 14.

F. LAND USE POLICIES PLAN (LUPP)

- 1. Figure 39 on page 355 designates the subject property for Planned Area 10B (see Attachment 19).
- 2. Figure 41 on page 357 shows that portion of the site contains "significant woodlands" (see Attachment 20).

Par Mac Area

3. Pages 382B-384 under the Subarea 10B heading discusses the development of this area and states: "Prominent physical features include the western slope of the hill in Planned Area 10A, a heavily vegetated and potentially unstable slope forming much of the southern boundary of the subarea and a small wetland."
4. It is stated on page 382C for Planned Area 10B, that "Office or business park uses located in the area could cluster development away from the steep slopes and wetland, thus ensuring their preservation, while providing for reasonable use of the land. Current uses to the east and in part to the north include offices, light industrial, and retail uses which are complimentary to office and business park uses. In addition, development of business park uses adjacent to a freeway interchange best utilizes the existing road network and provides a reverse commute situation whereby extra capacity on NE 124th Street is utilized" (see Attachment 21).
5. On pages 382D and 382E, discussion encourages the use of a Master Plan application for the development in order to best assure preservation of the natural features and protection of adjacent residential uses, subject to the standards contained on these pages (see Attachment 21).
6. On page 382 under the Open Space/Parks heading for the Par Mac Area, it is stated that: "Open space in the Par Mac area can serve a vital functions as a buffer zone between industrial and residential uses and as visual relief within the industrial area. Adequate vegetated open areas should be provided at all interfaces between incompatible uses, especially industrial and residential interfaces..."

Community Goals and Policies

7. Policy 2.2 (page GP-3) states: "Development should reinforce and visually accentuate natural land forms."
8. Policy 2.5 (page GP-4) states: "Gateways to Kirkland by land and water should present a quality image that reflects the City's unique identity."
9. Policy 2.6 (page GP-4) states: "Sign systems that effectively present public information and equitably regulate private information while protecting Kirkland's visual character should be developed and implemented."

10. Policy 2.6b (page GP-5) states: "A sign system that permits businesses adequate visibility while preserving Kirkland's visual character should be developed and implemented."
11. Policy 4.1 (page GP-10) states: "Public and private development should be designed to: minimize the consumption of energy and resources; reduce the amount of impervious surfaces, utilities and other support facilities; and increase usable open space."
12. Policy 4.2 (page GP-11) states: "Land use patterns should be established which reduce the demand for transportation, utilities, and other support facilities."

Natural Environment

13. Policy 2.1 (page GP-20) states: "Natural land forms, vegetation, scenic areas and open space which contribute the City's identity and visually define the community, its neighborhoods and districts should be preserved or rehabilitated."
14. Policy 2.2 (page GP-21) states: "Natural features and systems that are biologically significant or provide significant habitat should be preserved, rehabilitated, or enhanced."
15. Policy 2.4 (page GP-22) states: "The functional integrity of water courses, groundwater, wetlands and small bodies of water should be maintained or improved by regulating land surface modifications and other development activity."
16. Policy 3.1.a (page GP-24) states: "Development should be regulated: (1) on unstable and potentially unstable slopes; (2) in and adjacent to water courses and wetlands; (3) in areas where uneven settlement could occur; and (4) in other areas where resulting damage to life and property is possible."
17. Policy 3.2.a (page GP-29) states: "Land surface modifications in natural hazard areas should be limited to the smallest extent necessary for reasonable development."
18. Policy 3.2.b. (page GP-29) states: "Existing vegetation should be preserved to the greatest extent feasible. In cases where development necessitates the removal of vegetation, a comparable amount of landscaping should be required to replace trees, shrubs, and ground cover removed during development."
19. Policy 4.3 (page GP-31) states: "The City should be indemnified from damages resulting from development in natural constraints areas."

20. Policy 4.5 (page GP-31) states: "Protected greenbelts should be established to preserve existing natural vegetation."

Economic Activities

21. Policy 1.1 (page GP-36) states: "Existing commercial and industrial districts should be maintained and strengthened by focusing new economic development within such districts."
22. Policy 1.4 (page GP-40) states: "Business park development should be encouraged as a way to foster quality commercial and industrial development."
23. Policy 2.3 (page GP-45) states: "The City should encourage commercial and industrial development which provides a reasonable balance between municipal costs and public benefits."
24. Policy 2.4 (page GP-46) states: "Economic activities should conform to development performance standards which minimize adverse impacts on adjacent uses, and ensure that economic development reflects neighborhood characteristics and respects natural features."

Public Services/Facilities

25. Policy 1.1 (page GP-80) states: "Developers should be responsible for providing the additional capital facilities required by their development. This responsibility includes actual installation of facilities at time of development and/or a contractual agreement to contribute to installation upon determination of need by the City."
26. Policy 2.1 (page GP-82) states: "Where feasible, utility lines should be placed underground."
27. Policy 3.3 (page GP-84) states: "Provide efficient access to areas designated for commercial, office and industrial uses."
28. Policy 5.3 (page GP-87) states: "Screen and enhance parking areas with landscaped buffers and landscaped island."
29. Policy 6.1 (page GP-88) states: "Encourage the preservation of natural drainage systems."
30. Policy 7.1 (page GO-90) states: "Minimize the quantity and velocity of surface water runoff during and after development."

III. CONCLUSION

A. SITE DESCRIPTION

1. Existing Development and Zoning: Since the proposed site is currently vacant with the exception of 4 completed office buildings proposed under the original Master Plan, the proposal is not inconsistent with the existing development or zoning of the site.
2. Terrain: The existing slopes in the area of the proposed expansion should not pose any constraint to the proposed development.
3. Vegetation: Since the site contains a regulated wetland, this wetland should be protected in accordance with the City's adopted regulations and policies. The existing vegetation on the other portions of the site should also be retained to the maximum extent feasible as discussed in the City's adopted policies and regulations.
4. Neighboring Development and Zoning: The proposed development is consistent with the existing development to the northeast, east, and southeast. The proposal is also consistent with the existing zoning for the property to the immediate north and west of the site. With respect to the existing single-family residences to the southwest of the site, the project can be developed in harmony with these properties, if the project is developed consistent with the City's adopted policies and regulations.

B. HISTORY

The proposed application for the expansion of the Maste Site Plan, is consistent with the previously approved Master Site Plan.

C. STATE ENVIRONMENTAL POLICIES ACT (SEPA)

The applicant and the City have satisfied the requirements of SEPA. The applicant must fulfill the conditions set forth in the Determination of Non-significance.

D. ZONING CODE COMPLIANCE

1. The proposal complies with the criteria in Section 60.55.c., except as discussed below. It is consistent with the goals and policies of the Land Use Policies Plan (LUPP) and is not inconsistent with any specific provisions of the LUPP (see Section III.G.). In addition, it is consistent with the public's health, safety, and welfare.

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2. The locations of the proposed new buildings (N, O, and R) are not within 100 feet of a low density zone; therefore, they may be up to 6 stories or 60 feet in height, whichever is less. The proposal by the applicant to limit the height of the proposed structures (N, O, and R) to a maximum of 35 feet in average building elevation, limits the height of the structure so that they are compatible with existing adjacent low density residential structures.
3. The amount of impervious surface proposed by the applicant is less than the maximum amount allowed by Section 60.55.c. for a business park in Planned Area 10B. The Master Plan site should not be permitted to exceed 80 percent impervious surfaces.
4. The proposed landscaping on the north and south sides of Building N, the west side of Building O, and the south side of Building R should be increased to meet the minimum buffering standards of Zoning Code Section 95.25.2. This buffering standard is the normal buffering standard required of office projects when they are located next to low density residential dwelling units. The applicant's original proposal could be accepted if the affected property owners agree to a reduction of the required landscaping, pursuant to Zoning Code Section 95.25.9. The recommended change in buffering would only require more material and not more area.
5. The uses proposed by the applicant for the business park are consistent with the permitted uses in the Planned Area 10B zone (see Attachment 12). The locations and orientation of both the existing and proposed restaurants facilitates their use by tenants of the business park.
6. The number of spaces set forth in Sections II.D.9 is actually more than would be required by Code assuming the church facility will mainly be used on weekends and, therefore, will share parking with the other tenants in the business park. Therefore, the applicant should construct no more than 1840 parking spaces, the 1723 spaces which were approved with original Master Plan plus the 117 parking spaces necessary to meet the new proposal. Additional parking may be developed as originally permitted in Condition No. 19 of the approved Master Plan (see page 9 of Attachment 13).
7. The existing curb cut on NE 124th Street which currently serves Buildings P and Q, and which to some extent will serve Building R, should not be considered "secondary" access to the "site, pursuant to Zoning Code Section 60.55.e, Special Regulation

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- No. 7." This curb cut serves sites which front on NE 124th Street and which are separated from the major portion of the business park by a ridgeline which is approximately 35 feet higher in elevation than the elevation of NE 124th Street. Therefore, the access configurations for Buildings P, Q, and R should be approved as shown on Attachment 3.
8. Condition No. 4 of the approved Master Plan File No. III-85-78 (see page 5 of Attachment 13) should be amended to increase the maximum permissible gross floor area to 771,300 gross square feet to reflect the expansion of the business park.
 9. The applicant's proposal to amend condition No. 15 of the approved Master Plan (see page 8 of Attachment 13) should be approved. Allowing the proposal to be built up to the 200 foot contour line will still maintain the character and integrity of "Welcome Hill."
 10. The applicant's proposal to amend Condition No. 17 of the approved Master Plan (see page 8 of Attachment 13) should be approved. This condition (No. 17 of III-85-78) should be amended for two reasons. First, since the Master Plan is to be expanded, it must be determined what design review criteria should apply to the new structures. Secondly, given the seclusion of the interior of the business park (buildings other than A and M, and proposed O and R, and existing P and Q), the level of design review necessary to protect the public interest is less than those buildings which are prominently visible from areas outside the Master Plan site.
 11. The applicant's proposal to amend Condition No. 20(c) of the approved Master Plan (see page 10 of Attachment 13) should be approved. The proposed location of the greenbelt will provide increased protection of the ridge, and the existing vegetation will still provide the required buffering of the adjacent low density residential zone (see Attachment 2.c).
 12. The applicant's request to amend Condition No. 21(d) of the approved Master Plan (see page 12 of Attachment 13) should be approved. It is reasonable to delay installing right-of-way improvements for the interior roads until such time as they are necessary to serve any use or provide adequate circulation for emergency vehicles. It is in the City's interest to have the rights-of-way completed in a logical sequence in order to provide internal circulation throughout the business park and to have a completed road system.

13. The applicant should submit a completed copy of the Landscape Greenbelt Easement document, for the 50-foot wide landscape buffer areas along the south and southwest property lines adjacent to the single-family zone where the buffer strip has been modified. A landscape greenbelt easement will maintain a large landscaped buffer area between the more intensive business park and the adjacent single-family residences.
14. The proposed site plan for Building N (see Attachment 7) does not provide the minimum 50 foot buffer strip around the perimeter of the regulated wetland as required by Zoning Code Section 90.25. Therefore, the applicant should redesign the site plan for Building N to provide the minimum 50-foot wide buffer. Furthermore, to protect the wetland and the wetland buffer area, a "Natural Greenbelt" should be established for these areas prior to the issuance of any further building or grading permits for the business park.
15. Pursuant to Chapter 107, the applicant must submit plans to undertake improvements for construction phase and permanent storm water control.
16. The applicant should install minimum half-street improvements in the rights-of-way adjacent to the proposed new buildings (Buildings N, O, and R), pursuant to the requirements of Chapter 110. These improvements should be installed prior to occupancy of each individual building.
17. Pursuant to Sections 110.65.4 and .5, the owner(s) of the subject should sign an agreement to continually maintain the landscaping within the rights-of-way within the adjacent to the business park.
18. The expansion of the Master Plan to include the site where the billboard sign is located (see Attachment 22), and the issuance of any subsequent building permits is sufficient grounds, pursuant to Zoning Code Sections 162.25.1.m and 162.35.5.6.c (see Attachments 16 and 17) to require the removal of the billboard sign.
19. Pursuant to Sections 95.4, 105.105 and 175.10.1, a maintenance bond should be required to ensure that landscaping and parking areas are maintained in good condition for a period of two years following initial occupancy of the site.
20. In order to assure timely completion of all required site and right-of-way improvements, such improvements should be completed prior to occupancy, unless the applicant can demonstrate compliance with criteria in Section 175.10.2.

E. TECHNICAL COMMITTEE

The applicant must follow the requirements of the Technical Committee as listed in the Development Standards (see Attachment 14).

F. LAND USE POLICIES PLAN (LUPP)

1. The proposal, as submitted by the applicant, takes into consideration the standards listed for development within Planned Area 10-B.
 - a) The design of the Master Plan adequately designates the location of the buildings, the placement of the roadway and utilities, types of use, building bulk, and it adequately takes into consideration preservation of the natural features. It also provides open space, and provides access to parcels outside the scope of the Master Plan.
 - b) The design of the Master Plan should provide a minimum 50-foot wetland buffer around the small wetland located in the northwest corner of the "Knight" property (Building N).
 - c) The proposed Master Plan has been designed to provide the primary access to the site from NE 124th Street with potential secondary access to the site in either of two locations to 120th Avenue NE. The proposal does not contemplate any vehicular access to NE 116th Street.
 - d) The proposed Master Plan is not located adjacent to Planned Area 10C, with the exception of Building N, and, therefore, cannot provide access. The site of Building N could not be used for access to PLA-10C since any access would have to go through the wetlands in PLA-10C.
 - e) The proposed Master Plan has included large amounts of landscape buffer areas adjacent to the existing single-family residences along the west property line and along the northwest property line.
2. Overall, the applicant has designed the proposal consistent with policies which seek to minimize the impact of the development on steep slopes, and other natural features.
3. LUPP policies support the location of the business park adjacent to the Totem Lake/Par Mac retail and industrial activity center. The location of the business park is further reinforced by its proximity to a METRO park-and-ride station on 116th Avenue NE at NE 132nd Street as well as being close to two freeway interchange ramps.

4. By providing a primary access point to NE 124th Street and a secondary access to 120th Avenue NE, the proposed business park is consistent with LUPP policies which seek to reduce traffic congestion.
5. The existing billboard sign (see Attachment 22) is not consistent with existing City policies which encourage sign systems which protect Kirkland's visual character or policies which try to promote and protect Kirkland's gateways. The location of the business park to the west of the Interstate 405 and NE 124th interchange qualifies this location as a gateway to the City. The existing billboard sign provides visual clutter and distraction. Furthermore, the sign does not identify any of the uses within the business park, but is rather used for the conveyance of off-site commercial advertisement. Therefore, the sign should be removed.

IV. APPEALS, RECONSIDERATIONS, CHALLENGES AND JUDICIAL REVIEW

A. REQUEST FOR RECONSIDERATION

Section 155.75 of the Zoning Code allows the applicant or any person who submitted written or oral comments to the Planning Commission to request that the Planning Commission reconsider any aspects of its recommendation. The request for reconsideration must be in the form of a letter and must be delivered to the Planning Department within four working days of the meeting at which the Planning Commission made its recommendation.

B. CHALLENGE

Section 155.85 of the Zoning Code allows the Planning Commission's recommendation to be challenged by the applicant and others who submitted written or oral comments to the Planning Commission. The challenge must be in the form of a letter and must be delivered to the Planning Department prior to the beginning of the meeting at which the City Council first considers the application or to the Planning Official at the beginning of that meeting.

C. JUDICIAL REVIEW

Section 155.110 of the Zoning Code allows the action of the City in granting or denying this application to be reviewed in King County Superior Court. The petition for review must be filed within 30 days of the final decision of the City.

VI. APPENDICES

Attachments 1 through 25 are attached.

1. Application (see file)
- 2.a Letter from Peter Henning, regarding application material (1/27/87)
- 2.b Letter from Peter Henning, regarding application material (3/30/87)
- 2.c Letter from Peter Henning, regarding application material (6/16/87)
3. Revised Master Site Plan
4. Revised Landscape Plan
5. Sample Building Elevation (includes Building N)
6. Revised Site Plan for Building F
7. Proposed Site/Landscape Plan for Building N
8. Proposed Site/Landscape Plan for Buildings O and R
9. Building/Site Key
10. Conceptual Drainage Plan for Building N
11. Vicinity/Zoning Map
12. Use Zone Chart, Section 60.55.c
13. Notice of Approval, File No. III-85-78
14. Development Standards
- 15.a Conditioned Determination of Nonsignificance (6/17/87)
- 15.b Memorandum to Responsible Official, regarding Environmental Determination (6/17/87)
- 15.c Environmental Checklist, Attachment to Attachment 15.b (3/27/87)
- 15.d Traffic Analysis Prepared by Public Works Department, Attachment to Attachment 15.b (6/10/87)
- 15.e Determination of Regulated Wetland, Attachment to Attachment 15.b (6/17/87)
- 15.f Letter from Barbara J. Ritchie, Department of Ecology (7/2/87)
16. Zoning Code Section 162.35.5
17. Zoning Code Section 162.25
18. Attachment 35 of File No. III-85-78
19. LUPP Figure 39, page 355 (Land Use)
20. LUPP Figure 41, page 357 (Natural Elements: Wetland/Woodland)
21. LUPP, ParMac, Subarea 10B (pg. 382B-382E)
22. Location of Billboard Sign
23. Proposed Relocation of Southern Buffer
24. Memorandum from Fred French, regarding Building N on-site storm drainage (7/7/87)
25. Building "F" Location Comparisons

VII. PARTIES OF RECORD

Mr. and Mrs. Oskar Rismondo, 12059 113th Avenue NE, Kirkland, WA 98034
Mr. Roger L. Decker, Boyd and Decker, P.S., Inc., 909 Honeywell Center,
600 108th Avenue NE, Bellevue, WA 98004
Department of Planning and Community Development
Department of Public Works

7143C/350A/7-7-87:JW:cw:br:cw

WestAmerica

ASSOCIATES

January 27, 1987

Jeff Wilson
City of Kirkland
123 5th Avenue
Kirkland, WA 98033-6189

RECEIVED

JAN 30 1987

PLANNING DEPARTMENT

Dear Jeff:

To follow up on our discussions with regard to amending the Master Plan for Totem Skyline Business Park, we would like to initiate a Process III action to accomplish these changes. Since this is an amendment and hopefully one not involving a great deal of preparation, we would ask that the fees for this Process III be reduced from those normally collected.

Accordingly we propose the following changes.

1. Item 15 - Recommendations - Page 5

This paragraph, we feel should be revised to reflect no development above the 200' elevation, which would permit Building F to be sited into the regulated slope as shown on the original master plan submittal. This would permit a structure to be built similar to Buildings C, D & E, all of which utilize a retaining wall built into the slope as the north wall of the lower floor. We feel this results in a more aesthetically pleasing result and one which tends to minimize the bulk of the building by nestling it into the hillside.

Accordingly the net result would be to reduce the parking lot to a size compatible with the space available below the 200 foot level.

2. Item 17 - Recommendations

We do not question the design review process for Buildings A & M in view of their prominent locations. However, the decision by the Planning Commission to require a design review by the Planning Department for the balance of the buildings in the park was decided upon without giving the applicant an opportunity to testify on this matter.

ATTACHMENT 2.a
III-87-22

Jeff Wilson
Page 2
January 27, 1987

In particular, we feel that Paragraph 17 (e), stating that for all buildings other than A & M, "the building facade shall consist predominantly of materials such as wood, masonry, brick, tile or glass. Bare and painted concrete; metal or reflective glass shall be minimized", is an arbitrary statement which does not in itself guarantee aesthetically pleasing structures. It ignores completely, modulation and design. It is not appropriate nor economically feasible for buildings B through L to comply with criteria meant primarily for pure office buildings.

We would suggest that the Planning Department be given more latitude on the percentage of non-concrete materials to be used for facades on buildings other than A and M. We think some architectural input would be advisable and would offer to make such input available to the City.

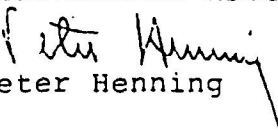
3. Item 21 (d)

We would ask that this be changed, by deleting Building E and ancillary roads, to read, "For Building F through M, whichever is first, the applicant shall install all remaining right-of-way improvements for N.E. 120th Street & 115th Avenue N.E." In our opinion it is not appropriate to ask for right-of-way improvements to be installed for both N.E. 122nd Place as well as those South of the Loop Road. A Performance Bond to insure that one or the other be constructed at such time as a route is selected is in our opinion much more practical and feasible.

I would appreciate your response to the above request so that an appropriate recommendation can be made to the Kirkland Planning Commission at the earliest possible date.

Sincerely,

WESTAMERICA ASSOCIATES


Peter Henning

PH/cj

WestAmerica

ASSOCIATES

RECEIVED

APR 2 1987

March 30, 1987

A.M. P.
PLANNING DEPARTMENTBY: *th*

Jeff Wilson
City of Kirkland
123 5th Avenue
Kirkland, WA 98033-6189

Re: Amendment to Totem Skyline Business Park Master Plan

Dear Jeff:

Under separate cover I have recently delivered to you a copy of an Amended Master Site Plan showing new buildings N, O and R as well as the Casa Lupita and Totem Skyline Office Center buildings. I have also sent you an environmental check list and a biologist report for the Knight property on which Building N is located.

Comments on each of the properties are as follows:

CASA LUPITA AND TOTEM SKYLINE OFFICE CENTER

These buildings were built under valid King County Building Permits and were appropriate uses under King County Zoning at that time. With regard to the Master Plan Amendment, we ask only that these buildings be accepted now for Business Park uses so that the Casa Lupita building in particular will be in conformance with Kirkland's Master Plan regulations as regards restaurant uses.

BUILDING N

This is contemplated to be a 21,000 square foot, two story building taking advantage of the West facing slope on this site. The hill form on the site will be graded to street level with the cut material being used to fill the lower portion of the site. We are requesting that a thirty-five foot (35') buffer be provided between the improved site and the wetland to the West of this property. We feel that with proper landscaping and an orientation to the East for the activity to take place on this site, that a thirty-five foot (35') buffer would adequately protect the wetland from any unwarranted intrusion.

ATTACHMENT 2.b
III-87-22

Jeff Wilson
Page 2
March 30, 1987

BUILDING O

This building is to be a 23,000 square foot, two story building, for uses such as those contemplated in the rest of the Business Park. It will tie into the Westward facing slope, coming from Building A and also contain the pedestrian path joining N.E. 122nd to N.E. 124th.

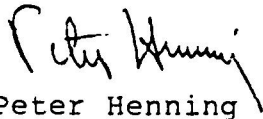
BUILDING R

A 10,000 square foot, one story, full service restaurant is contemplated for this site to serve the needs of the Business Park and the public. Because we anticipate considerable pedestrian traffic from the Park, we feel that an eighty (80) car parking allocation should be sufficient for this restaurant site. Please note the pedestrian access to the restaurant from the access between N.E. 122nd and N.E. 124th. Automobile access is shown off of 113th Ave. N.E.

We appreciate your early attention in scheduling this matter before the appropriate Kirkland hearing agency so that we may get a speedy resolution.

Sincerely,

WESTAMERICA ASSOCIATES


Peter Henning

PH/cj

WestAmerica
ASSOCIATES**RECEIVED**

JUN 17 1987

June 16, 1987

AM 12:30 PM
PLANNING DEPARTMENTBY. 

Jeff Wilson
City of Kirkland
123 5th Avenue
Kirkland, WA 98033-6189

Re: Amendment to Totem Skyline Business Park Master Plan

Dear Jeff:

At the July 2, 1987, meeting of the Kirkland Planning Commission, we will be asking for the following changes to the Totem Skyline Business Park Master Plan.

1. Allow Building F to be built into the regulated slope, however, with no construction, parking lots or any type of development other than landscaping to be performed above the 200' elevation.
2. Construction of N.E. 122nd Place (Welcome Hill Road), the loop road South of Building E (115th N.E.) and the extension of the southern part of the loop road to the Northwest Construction property, will not be required until either the Welcome Hill or the Northwest Construction access has been finalized or in conjunction with building permits for buildings other than Buildings B, C, D or E.
3. A design review for buildings other than A and M should either be eliminated or based on criterion other than having facades of materials other than reflective glass and bare painted concrete. (Slides of examples using architectural techniques rather than special materials will be presented.)
4. The addition to the Master Plan of properties associated with Buildings N, O, P, Q & R.

ATTACHMENT 2.c

III-87-22

Jeff Wilson
Page 2
June 16, 1987

5. Increasing the size of the parking area associated with Building M by moving the Northern boundary of the fifty foot (50') buffer by forty feet (40') to the South. Approval for this change would be contingent on the grading by Totem Skyline Associates II, of an easement along the North forty feet (40') of its residentially zoned property, which extends two hundred feet (200') North of N.E. 116th Street. All the conditions for buffering and landscaping the fifty foot (50') buffer would be imposed on the forty foot (40') easement as well the ten feet (10') still remaining in the master planned area.

Moving the buffer line forty feet (40') to the South will put the fifty foot (50') buffer into the regulated slope and insure that this slope will be well vegetated and accomplish its buffering purpose even better by putting trees toward the top of the slope rather than on the flat plateau below the regulated slope. The additional forty feet (40') associated with Building M would insure that adequate parking is provided or if the parking is not needed, could be used for additional landscaping purposes.

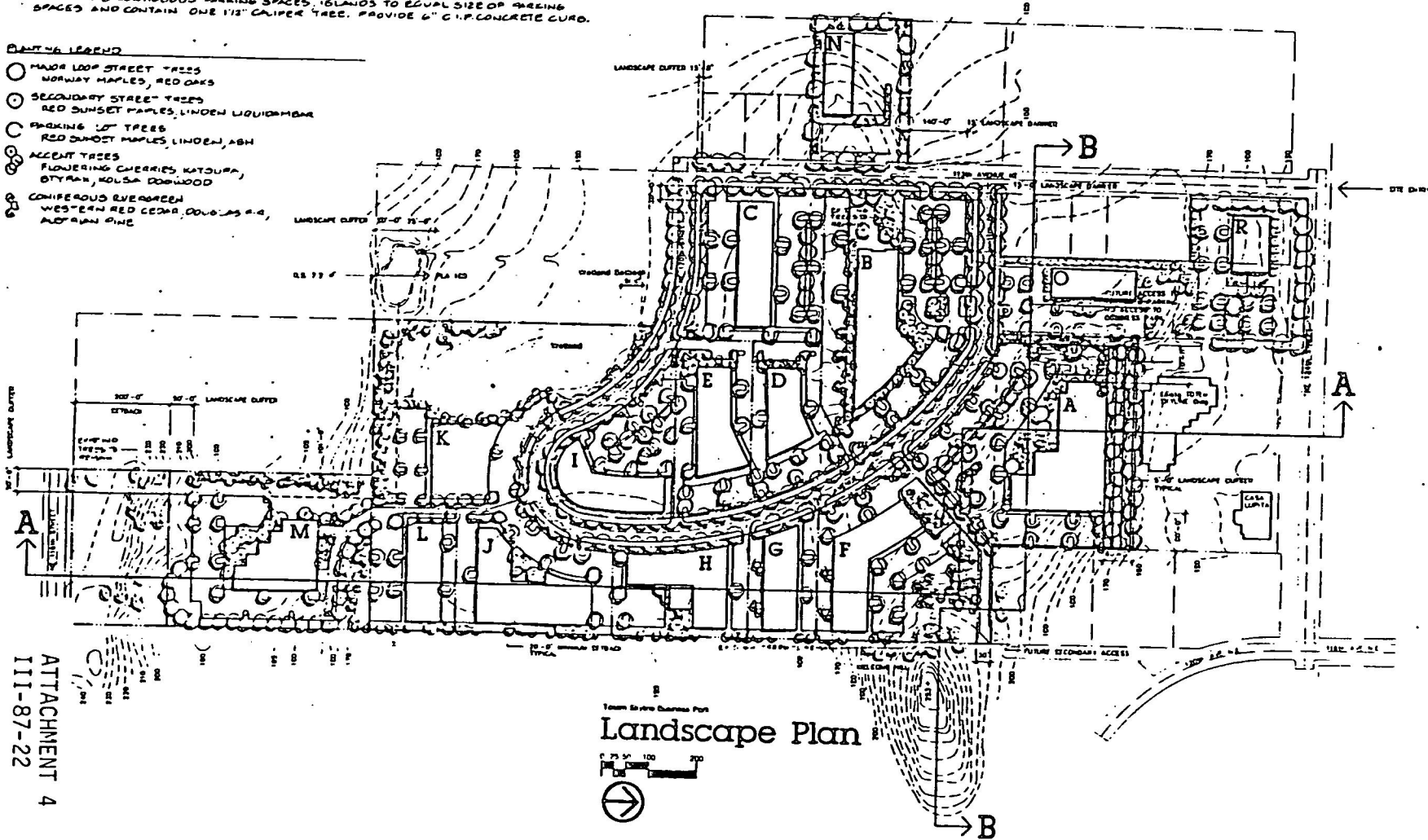
Sincerely,
Pete Humm

TOTEM SKYLINE BUSINESS PARK

CITY OF RICHLAND CODE REQUIREMENTS:
 WEST, NORTH EAST SIDES (EXCEPT WHERE ADJACENT TO RESIDENTIAL ZONE) - RETAIN AND PROTECT EXISTING TREES.
 TREES REMOVED ARE TO BE REPLACED BY 2" CALIPER MINIMUM TREES. ADDITIONAL ONE TREE PER 1000 S.F. OF
 LANDSCAPING (TOTAL 5% MINIMUM FOR TOTAL SITE), 1 CAL MIN DECIDUOUS (50% MAX. DEC.), 5" MIN. HT. EVERGREENS.
 SHRUB AND/OR GROUND COVER PLANTING TO COVER 10% IN TWO YEARS.
 SOUTH SIDE (AND WHERE ADJACENT TO RESIDENTIAL ZONE) - THE ABOVE PLUS 15' WIDE LANDSCAPING BUFFER STRIP UNLESS
 SIGNIFICANT EXISTING VEGETATION IS PRESENT. TWO ROWS OF TREES AT 0' O.C. 2" CALIPER MINIMUM DECIDUOUS (50% MAX.),
 5" MIN. HT. EVERGREENS 10' MIN. HT. SHRUBS TO COVER 60% WITHIN 2 YEARS.
 PARKING LOT LANDSCAPING REQUIREMENTS - 5' WIDE LANDSCAPING BUFFER FROM STREET AND/OR ADJACENT PROPERTY.
 ONE ROW TREES 6' 0" ON CENTER, 2" CALIPER (PROVIDED HERE 10' - 6" CALIPER TREES @ 65' ON CENTER),
 MAX. 80% DECIDUOUS. GROUND COVER PLANTING TO COVER 60% WITHIN TWO YEARS.
 MAXIMUM 6 CONTINUOUS PARKING SPACES. ISLANDS TO EQUAL SIZE OF PARKING
 SPACES AND CONTAIN ONE 1 1/2" CALIPER TREE. PROVIDE 6" C.I.P. CONCRETE CURB.

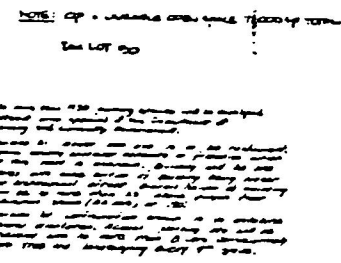
PLANTING LEGEND

- MAJOR LOOP STREET TREES
NORWAY MAPLES, RED OAKS
- SECONDARY STREET TREES
RED SUNSET MAPLES, LINDEN, LIQUIDAMBAR
- PARKING LOT TREES
RED SUNSET MAPLES, LINDEN, ASH
- ACCENT TREES
FLOWERING CHERRIES, KATOWA,
BITTANY, KOLSA, DOGWOOD
- CONIFEROUS EVERGREEN
WESTERN RED CEDAR, DOUGLASS P.F.,
ADRIAN ONE

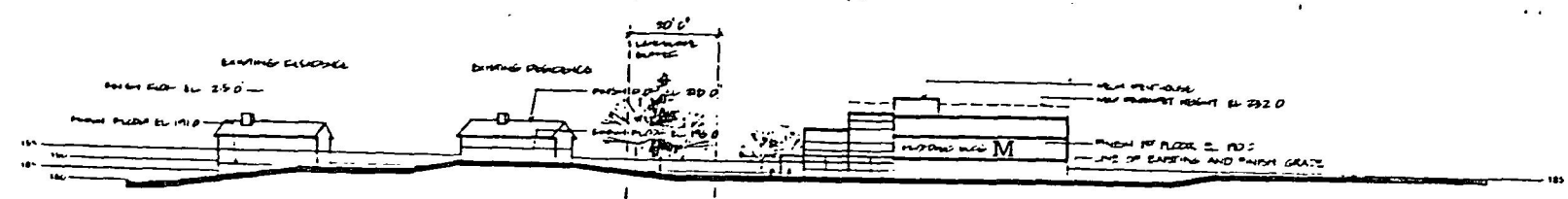


ATTACHMENT 4
III-87-22

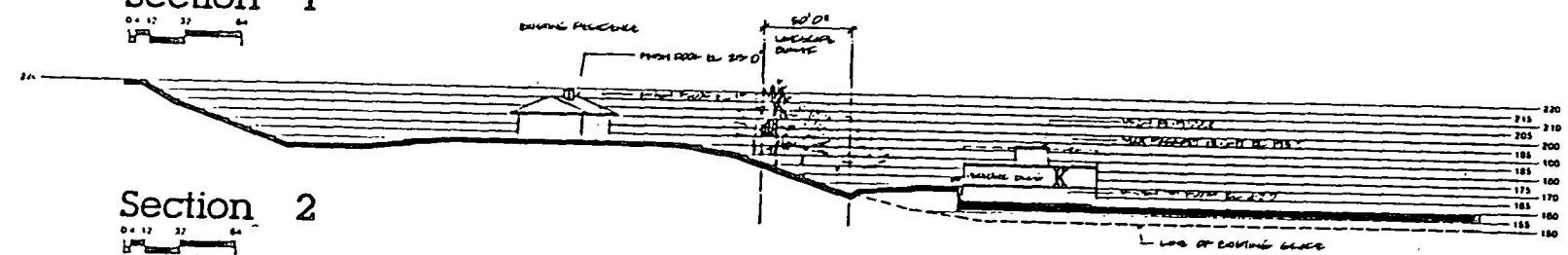
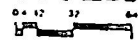
Section B B



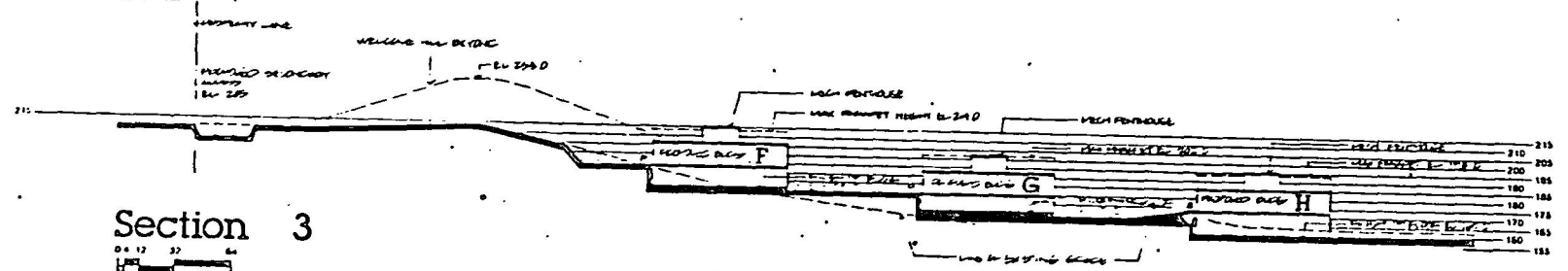
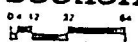
ATTACHMENT 3
III-87-22



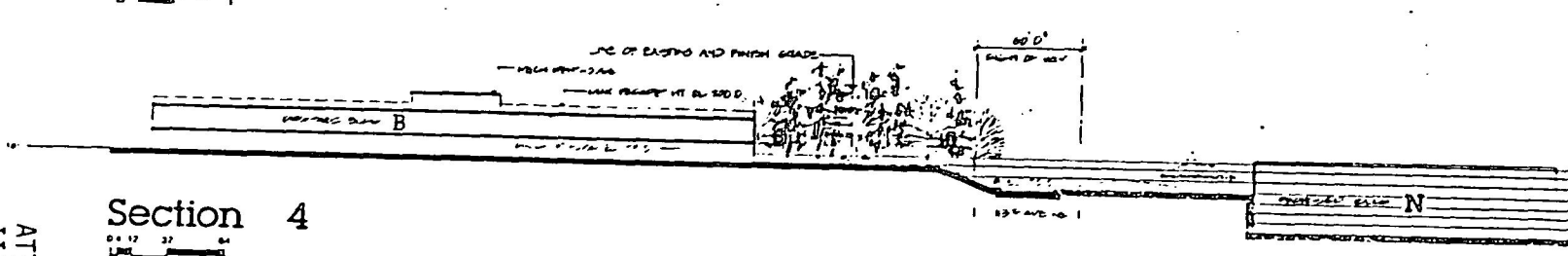
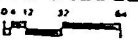
Section 1



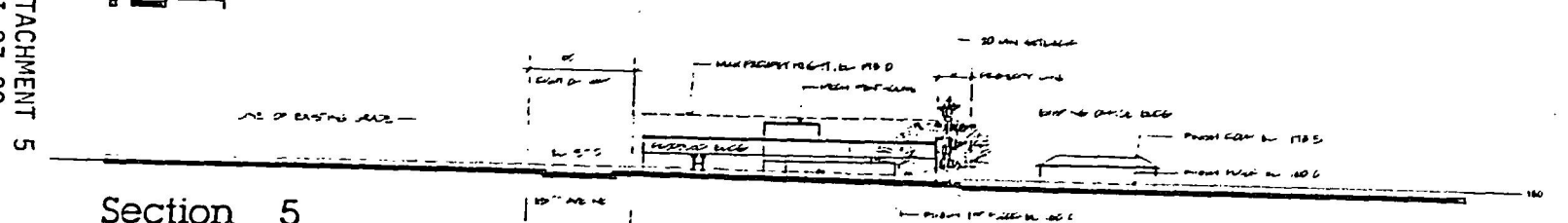
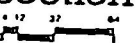
Section 2



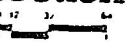
Section 3



Section 4



Section 5



ATTACHMENT 5
 111-87-22

PLANNING DEPARTMENT

TOTEM SKYLINE
BUSINESS PARK
WESTAMERICA ASSOCIATES

WILSON & ASSOCIATES

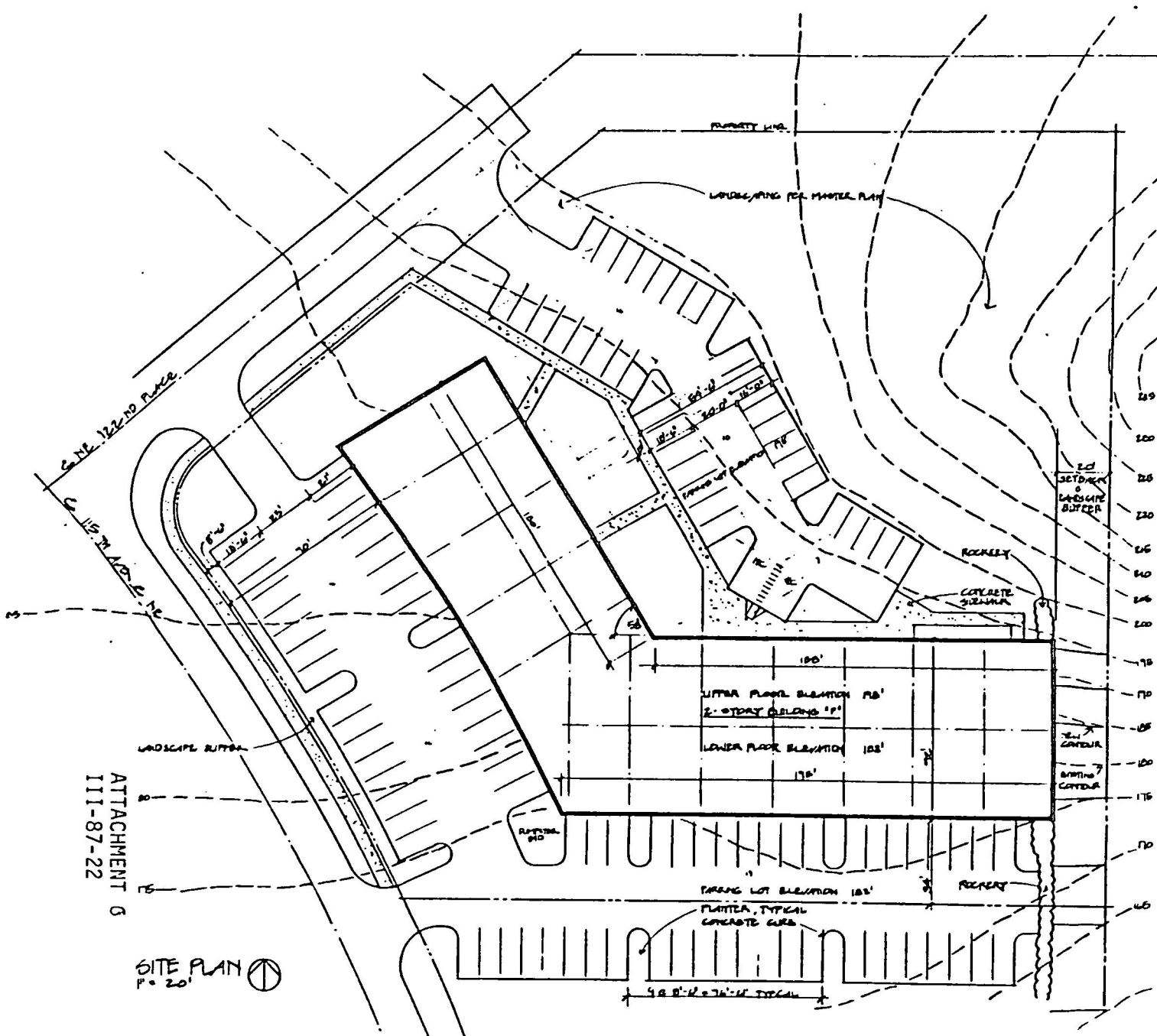
Building 'P'
SITE PLAN

**HOBBS
ARCHITECTURE
GROUP**


Page: Number 459
Date: 28 Dec 1987

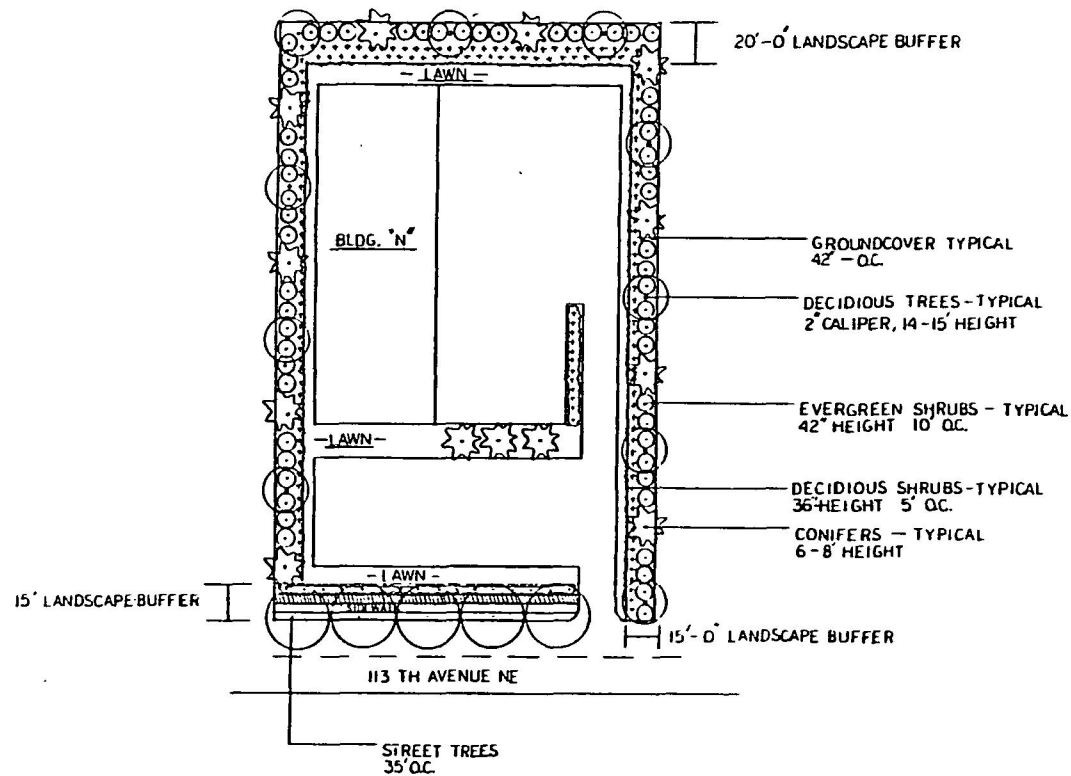
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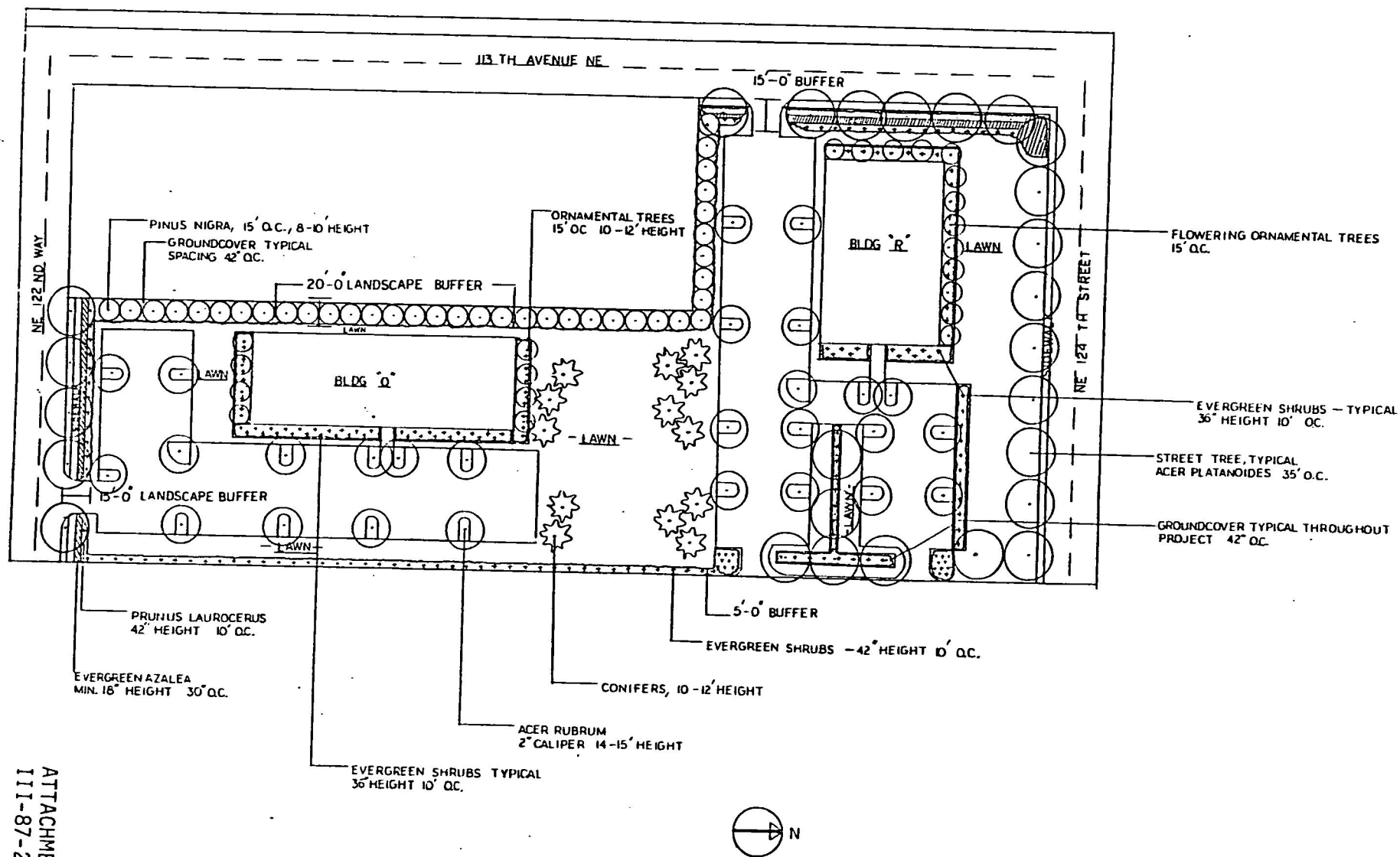
ATTACHMENT 3
III-87-22

SITE PLAN 
1" = 20'



ATTACHMENT 7
111-87-22

TOWN SKYLINE BUSINESS	
2454	BLDG. 'N'
11-1-30	
FOR: WESTAMERICA ASSOCIATES	
TOWN LANDSCAPES	
DATE: 11/1/11	



ATTACHMENT 8
111-87-22

TOTEM SKYLINE BUSINESS
P&K ELITE H.O.
1-30
4-21-PM
FOR: WEST ASSOCIATES
BUILDING LAYOUT
111-87-22

TOTEM SKYLINE BUSINESS PARK MASTER PLAN DATA 26 March 1987
West America Associates

BUILDING KEY

A. Office 5 Stories 166,000 sf 60'/200'/197.5'*	H. Office/Manufacturing 2 Stories 40,000 sf 33'/162'/160'	N. Office/Manufacturing 2 Stories 21,000 sf 33'/155'/150'
B. Office/Manufacturing 2 Stories 54,000 sf 29'/182'/179'	I. Office 2 Stories 40,000 sf 35'/159'/159'	O. Office 2 Stories 23,000 sf 33'/180'/180'
C. Office/Manufacturing 2 Stories 38,000 sf 33'/163'/157'	J. Manufacturing 1 Story 48,000 sf 33'/162'/161'	P. Office 3 Stories 41,000 sf 45'/154'/154'
D. Office/Manufacturing 2 Stories 24,000 sf 33'/168'/167'	K. Office/Manufacturing 2 Stories 43,000 sf 33'/158'/162'	Q. Restaurant 1 Story 7,300 sf 20'/150'/150'
E. Office/Manufacturing 2 Stories 34,000 sf 33'/159'/156'	L. Office/Manufacturing 2 Stories 32,000 sf 33'/161'/162'	R. Restaurant 1 Story 10,000 sf 20'/160'/160'
F. Office/Cafe/Club/Mfg. 2 Stories 46,000 sf 33'/185'/183'	M. Office 2 Stories 50,000 sf 33'/194'/190'	
G. Office/Manufacturing 2 Stories 30,000 sf 33'/166'/171'		

* Key to building elevations: 33'/160'/153'

Average building elevation-----
Existing grade-----
Proposed finish grade-----

Indicates average building elevation from existing grade at building wall to top of parapet.

Mechanical equipment may extend another 6-8 feet beyond parapet heights.

Variation in 2 story building heights is to allow for flexibility in building design.

TOTEM SKYLINE BUSINESS PARK 26 March 1987

SITE DATA

Site Area	\pm 1,521,400 sf	(excludes right-of-way dedications)
Gross sf Buildings	\pm 749,300 sf	
Building Footprint Area	337,500 sf	22.18% coverage
Parking lots and other impervious surfaces	757,275 sf	49.8% coverage
Total impervious surface coverage	1,094,775 sf	72.0% coverage (not to exceed 80%)

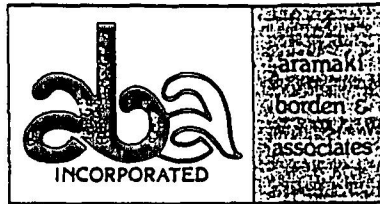
BUILDING DATA

<u>Building Type</u>	<u>Total Gross SF</u>
Office	493,000
Manufacturing	214,000
Club/Cafe	22,300
Church	<u>20,000</u>
	749,300

PARKING DATA

<u>Building Type</u>	<u>Area (GSF)</u>	<u>Parking Requirements</u>	<u>Total Spaces Required</u>
Office	493,000	1/300 gsf	1643
Manufacturing	214,000	1/1000 gsf	214
Club/Cafe	22,300	1/100 gsf	223
Church	20,000	1/300 gsf	66
Total Spaces Required			2146
Total Spaces Proposed			1930
Overall Site Parking Ratio		2.6 cars/1000 gsf	

CIVIL ENGINEERS
PLANNERS
LAND SURVEYORS



6141 N.E. BOTHELL WAY
SEATTLE, WASHINGTON 98155
(206) 485-9711

June 24, 1987

Mr. Peter Henning
WESTAMERICA ASSOCIATES, Inc.
11411 N.E. 124th St., #150
Kirkland, WA 98034

RE: Conceptual drainage plan
Knight property @
12029-113th Ave. N.E.

Dear Peter,


Please find following a preliminary drainage analysis for the above-referenced site. It is my understanding that the adjacent property owners to the north are concerned about any drainage from the subject site entering their property, although the natural drainage course is generally to the northwest.

The only reasonable alternative available given the constraints is to pump site drainage into the existing 113th Ave. N.E. closed drainage system. This would involve a privately-maintained pumping station, consisting of one of two alternatives listed below (system design enclosed):

- 1) simplex system with emergency pipe overflow to the natural drainage course to the west, in case of pump failure.
- 2) duplex system

The pump/piping design parameters will be based on required head and final site plan elevations. If you have any questions/comments, please call me at 485-9711.

Sincerely,


Alan Aramaki, P.E.

enclosure: as stated

AA:da

ATTACHMENT 10
III-87-22

Engineered Installations and Packaged Systems

Designed to meet health and sanitary codes.
Easy to install. Quality construction
throughout.

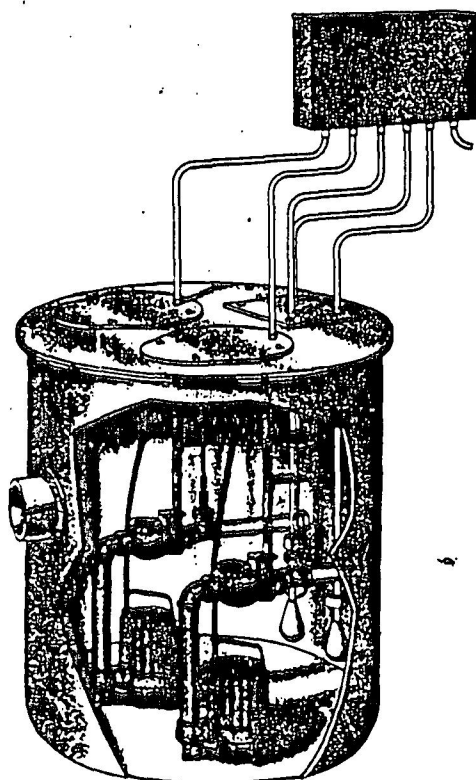


SIMPLEX SYSTEM

SIMPLEX SYSTEM (Automatic Pumps Only)

System includes automatic pump, 18" x 30" fiberglass basin, gas-tight 10 gauge steel cover and cast iron inlet hub.

Simplex Model	Pump Number	HP	Solids Size Inches	Disch. Size Inches
SV25A-218G	SV25A1	1/4	3/4	1 1/4
SV33A-218G	SV33A1	1/3	3/4	1 1/4
SP25A-218G	SP25A1	1/4	3/4	1 1/4
OSP33A-218G	OSP33A1	1/3	3/4	1 1/4
	OSP33A2	1/3	3/4	1 1/4
SP50AH-218G(318G)	SP50AH1	1/2	3/4	2 or (3)
	SP50AH2	1/2	3/4	2 or (3)
SP100AH-218G(318G)	SP100AH2	1	3/4	2 or (3)
SV40A-218G	SV40A1	4/10	1 1/2	2
SP40A-218G(318G)	SP40A1	4/10	1 1/4	2 or (3)
	SP40A2	4/10	1 1/4	2 or (3)
SP50A-218G(318G)	SP50A1	1/2	1 1/2	2 or (3)
	SP50A2	1/2	1 1/2	2 or (3)
SK60A-218(318G)	SK60A1	6/10	2	2 or (3)
	SK60A2	6/10	2	2 or (3)



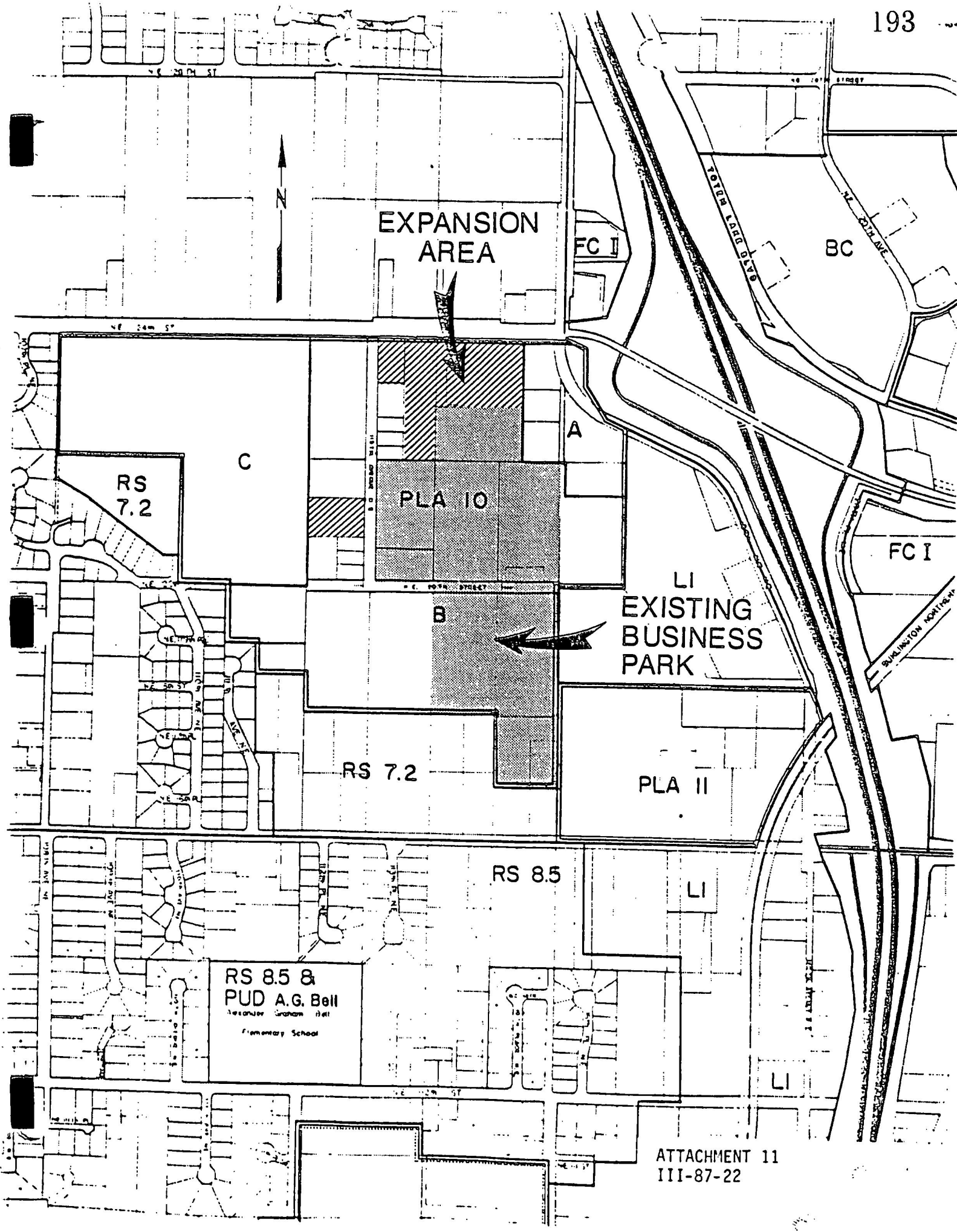
DUPLEX SYSTEM

DUPLEX SYSTEM

System includes two manual pumps, 30" x 36" fiberglass basin, gas-tight 10 gauge steel cover, cast iron inlet hub, NEMA 3 alternating control system and three 3900 float controls.

Duplex Model	Pump Number	HP	Solids Size Inches	Disch. Size Inches
SV25AD30G	SV25M1	1/4	3/4	1 1/4
SV33AD30G	SV33M1	1/3	3/4	1 1/4
SP25AD30G	SP25M1	1/4	3/4	1 1/4
OSP33AD30G	OSP33M1	1/3	3/4	1 1/4
	OSP33M2	1/3	3/4	1 1/4
SP50AHD30G	SP50MH1	1/2	3/4	2 or 3
	SP50MH2	1/2	3/4	2 or 3
SP100AHD30G	SP100MH2	1	3/4	2 or 3
SKH150AD30G	SKH150M2	1 1/2	3/4	1 1/2
SV40AD30G	SV40M1	4/10	1 1/2	2
SP40AD30G	SP40M1	4/10	1 1/4	2
	SP40M2	4/10	1 1/4	2
SP50AD30G	SP50M1	1/2	1 1/2	2 or 3
	SP50M2	1/2	1 1/2	2 or 3
SK60AD30G	SK60M1	6/10	2	2 or 3
	SK60M2	6/10	2	2 or 3
SK75AD30G	SK75M2	3/4	2	2 or 3
SK100AD30G	SK100M2	1	2	2 or 3

For more detailed information on additional voltages, 3 phase motors and accessories, see general HYDR-O-MATIC catalog and price list.



ATTACHMENT 12
III-87-22

CITY OF KIRKLAND
PLANNING AND COMMUNITY DEVELOPMENT

NOTICE OF APPROVAL

City of Kirkland Approval Date: November 3, 1986

Termination Date: Development activity or use of land must begin
or a complete building permit application must be submitted before
November 2, 1987.

APPLICANT OR AGENT: Peter Henning, WestAmerica Associates, Inc.

Address: 11411 NE 124th St., Kirkland, WA 98034 Phone: 823-1191

NAME OF PROJECT TOTEM SKYLINE BUSINESS PARK MASTER PLAN

This NOTICE OF APPROVAL is granted to Peter Henning, WestAmerica Assoc., Inc.
for TOTEM SKYLINE BUSINESS PARK MASTER PLAN (applicant)

Located at approximately E. of 113th Ave NE, between NE 116th St. & NE 124th
St., W. of Fred Meyer and N.W. Constr. in PLA-10B in Kirkland,
Washington. Said permit is subject to the facts found in the adopted
reports and exhibits of File No. III-85-78, Resolution/Ordinance
No. R-3322 and the attached conditions and development stand-
ards. Failure to meet or maintain strict compliance shall be grounds for
revocation in accordance with the Kirkland Zoning Ordinance No. 2740 as
amended. (see reverse side for appeal information.)

The applicant must also comply with any federal, state or local statutes,
ordinances or regulations applicable to this project. This Notice of Approval
does not authorize grading or building without issuance of the necessary
permits from the Kirkland Building Department.

CITY OF KIRKLAND
PLANNING AND COMMUNITY DEVELOPMENT
Joseph W. Tovar, Director

By:

Jeffrey S. Wilson
(Signature)

Jeffrey S. Wilson

Title: Planner

Attachment: Conditions and Development Standards
SEPA Conditions (if applicable)

(OVER, PLEASE)

ATTACHMENT 13
III-87-22

OFFICIAL NOTICE OF DATE AND PLACE
FOR COMMENCEMENT OF JUDICIAL REVIEW (APPEAL)

1. A request for judicial review (appeal) of the decision on this action must be filed in King County Superior Court on or before December 2, 1986, 1986 (within 30 days of the final decision of the City). This time limit is established by Section 155.110, Kirkland Zoning Code.

2. If issues under RCW 43.21C (the State Environmental Policy Act--SEPA) are to be raised in the judicial appeal:

- A. The "SEPA" appeal must be filed with the King County Superior Court within 30 days of the date of this notice; and
- B. A "Notice of Intent to Raise SEPA issues by Judicial Appeal" must be filed with the City of Kirkland responsible official, within 30 days of the date of this notice, unless the last day to file a request for judicial review set forth in paragraph 1 above, occurs prior to 30 days from the date of this notice, in which case, the notice of intent must be filed with the Kirkland responsible official by the date set forth in paragraph 1 above.

THIS NOTICE dated November 7, 1986,

Distribution of Notice of Approval

Applicant and/or Primary Contact Person
Fire and Building Department
Public Works Department (2 copies)
Parks Department
Assigned Planner
Notice of Approval Notebook
Formal File (original)

RESOLUTION NO. R-3322

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A PROCESS III PERMIT AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. III-85-78, BY Peter Henning of WestAmerica Associates TO APPROVE A MASTER SITE PLAN FOR THE TOTEM SKYLINE BUSINESS PARK BEING WITHIN A PLANNED AREA 10B ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH PROCESS III PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Planning and Community Development has received an application for a Process III Permit filed by Peter Henning of WestAmerica Associates, the owner of said property described in said application and located within a Planned Area 10B zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission which held hearing thereon at its regular meeting of October 2, 1986, and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 43.21C and the Administrative Guideline and local ordinance adopted to implement it, an environmental checklist has been submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, and a negative determination reached this action is exempt from the environmental checklist process; and

WHEREAS, said environmental checklist and determination have been available and accompanied the application through the entire review process, and

WHEREAS, the Kirkland Planning Commission after its public hearing and consideration of the recommendations of the Department of Planning and Community Development did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Process III Permit subject to the specific conditions set forth in said recommendations, and

WHEREAS, the applicant did timely file a challenge of said recommendation, and a request to withdraw said challenge prior to consideration by City Council, and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The Findings, Conclusions and Recommendations of the Kirkland Planning Commission as signed by the Chairperson thereof and filed in the Department of Planning and Community Development File No. III-85-78 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Process III Permit shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council.

Section 3. Nothing in this resolution shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to this project, other than expressly set forth herein.

Section 4. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Process III Permit is subject shall be grounds for revocation in accordance with Ordinance No. 2740, as amended, the Kirkland Zoning Ordinance.

Section 6. Certified or conformed copies of this Resolution shall be delivered to the following:

- (a) Department of Planning and Community Development of the City of Kirkland
- (b) Fire and Building Departments of the City of Kirkland
- (c) Public Works Department of the City of Kirkland
- (d) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland.

Passed by majority vote of the Kirkland City Council on the 3rd day of November, 1996.

SIGNED IN AUTHENTICATION THEREOF on the 3rd day of November, 1986.

Dorin Cooper
Mayor

ATTEST:

Jenice Perry DEPUTY
CLERK.....
Director of Administration and Finance
(Ex officio City Clerk)

4344C/281A/JW:rk

CONDITIONS OF APPROVAL - III-85-78

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, Building and Fire Code and Subdivision Ordinance. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 15, Development Standards of the Department of Planning and Community Development Advisory Report (Exhibit A), is provided to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations.
2. The Department of Planning and Community Development shall be authorized to approve minor modifications to the site plan proposal, provided that such adjustments do not significantly increase the gross floor area, reduce the approved setback yards, reduce the required parking ratio, significantly change any points of ingress or egress to the site, or alter any other conditions of approval.
3. The conditions of the SEPA determination of non-significance, dated September 5, 1986, and Attachments 16 through 18 of Exhibit A shall be met.
4. The total building square footage approved for the entire Master Plan shall not exceed 669,000 square feet.
5. Uses in the Business Park shall be limited to those specifically listed in Special Regulation 1 for a Business Park in the Planned Area 10B zone (Zoning Code Section 60.55.c). Permitted accessory uses shall be limited to the church, sports facility and day care facility proposed (see Attachment 19 of Exhibit A).
6. In no case shall the maximum impervious surface for the site exceed 80 percent (80%).
7. The vacation of the NE 120th Street right-of-way, as applied for in file no. VC-86-55, shall be completed (see Attachment 26 of Exhibit A).
8. Prior to the issuance of any building permit which causes the total gross square footage of buildings to exceed 355,000 square feet, the applicant shall submit to the Department of Planning and Community Development for approval, a Transportation System Management Program (TSM). This program should be developed with the assistance of METRO with the goal of reducing single-occupant vehicle trips to and from the property by 30%. In addition, the applicant shall design

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nate a TSM coordinator for the Business Park. The program shall include methods to enforce its implementation. The program may also include the operation of a vanpool system and a shuttle bus between the Totem Skyline Business Park and public transportation facilities (METRO Park & Ride lot at NE 132nd St. and 116th Ave. NE, and nearby bus stops) during the two (2) hours of peak a.m. transit use and the two (2) hours of peak p.m. transit use. The applicant shall implement the approved TSM with the completion of 530,000 square feet of gross floor area. If after three (3) years of operationalization of the TSM program, the TSM coordinator can prove to the City that the shuttle bus program has low ridership and thus the cost outweigh the benefit of reducing traffic impact, the program can be discontinued upon approval by the City.

9. Except as discussed in paragraph 10 below, all rights-of-way within and adjacent to the Master Plan site shall be developed in accordance with the Zoning Code standards for a Commercial Collector Street, as indicated in Attachment 21 of Exhibit A.
10. The request to modify right-of-way improvements required by Zoning Code Chapter 110 is partially approved as follows:
 - (a) The applicant shall dedicate to the City a full 60 foot wide right-of-way for NE 122th Place.
 - (b) At the time of development, the applicant shall install a 30 foot wide right-of-way improvement within NE 122nd Place with 24 feet of pavement, curb, gutter, and a five foot wide concrete sidewalk on one side.
 - (c) The applicant shall sign and submit to the City for recording, a concomitant agreement to run with the property, as shown in Attachment 22 of Exhibit A, specifying that the applicant will install or reimburse the City for construction of the remaining deferred improvements if and when directed by the City. The applicant must pay to the City the fees for recording this agreement with the King County Bureau of Elections and Records.
 - (d) Building F and the associated parking lots shall be redesigned accordingly to provide for the 60 foot wide right-of-way of NE 122nd Place. Department of Planning and Community Development shall review and approve the redesign of Building F and the associated parking lots.

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11. The Master Plan shall be redesigned to provide a 60 foot wide dedicated public right-of-way south of the loop road of the NE 120th Street and 115th Avenue NE in place of the proposed 30 foot wide easement road between Buildings J through M and between the parking lots of Building J and L. The right-of-way shall be extended from the southern portion of the loop road to the east property line and be in vertical and horizontal alignment with the private road owned by Northwest Construction, Inc. Buildings J, K, and L and the associated parking stalls shall be redesigned to accommodate the right-of-way. The applicant shall install all improvements within the 60 foot right-of-way as required for a Commercial Collector Street (see Attachment 21 of Exhibit A). The Department of Public Works shall review and approve the location of the extended right-of-way. The Department of Planning and Community Development shall review and approve the revised location of the buildings and parking lots and the circulation plan between the building sites and the extended right-of-way.
12. Secondary access to the Business Park shall be provided either via the Welcome Hill right-of-way or the Northwest Construction road, prior the issuance of any building permit which causes the total gross square footage to exceed 563,000 square feet.
13. The Master Plan shall be revised to provide a 30 foot wide access easement road between Buildings G and H to tax lot 50, located to the east of the site. The applicant shall install 24 feet of pavement, curb, gutter and a 5 foot sidewalk on one side in the access easement from 115th Avenue NE to the east property line. Buildings G and H and the associated parking lots shall be redesigned accordingly to provide for the 30 foot wide access easement road. The Department of Planning and Community Development shall review and approve the revised location of these buildings and parking lots.
14. The Master Plan shall be revised to show Building M reduced in height from 3 stories to 2 stories. The reduction in gross square footage to Building M may be transferred to one or more buildings in the Master Plan site except for Buildings' A and K, if parking associated with the buildings which are increased in area is provided. The Department of Planning and Community Development shall review and approve the revised Master Plan, including an increase in any height, if building's square footage is transferred from Building M to other buildings.

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15. The Master Plan shall be revised to eliminate those portions of Building F and its associated parking which encroached into the regulated slope area, as shown on Attachment 35 of Exhibit A. The reduction in building gross square footage may be transferred to one or more buildings in the Master Plan site, except Buildings A, K and M, if parking associated with the buildings which are increased in area is provided. The Department of Planning and Community Development shall review and approve the revised Master Plan, including any increase in building height, if building's square footage is transferred from Building F to other buildings.
16. No building in the Business Park, except Building A, shall be permitted to exceed three (3) stories.
17. The City shall review and decide upon the design of Buildings A and M using Process III, Zoning Code Chapter 155. The design of all other buildings shall be reviewed and decided upon by the Planning Official. Prior to submittal of any building permits, the applicant shall submit the following for review:
 - (a) Details of all sides of the exterior, the buildings showing the exact building materials and textures to be used (i.e., the percent of glass, concrete, wood stucco, wood screen, etc.).
 - (b) Details of the roof treatment, and roof mounted HVAC units with screening.
 - (c) Details of building modulation for all sides of each building.
 - (d) Sample color chips and color renderings for the exterior treatment of the buildings.

The design of all buildings must meet the following criteria:

- (e) Building facades shall consist predominantly of materials such as wood, masonry, brick, tile or glass. Bare and painted concrete; metal or reflecting glass shall be minimized.
- (f) Materials and colors shall be complimentary to the balance of the structure and enhance the visual coherence of the entire project.

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In addition, the design of buildings A and M must meet the following criteria:

- (g) Building bulks shall be configured in a terracing arrangement so that the lower stores are closest to the property line and the upper stores are furthest from the property line.
- (h) Building A shall be reduced in height and shall be redesigned to incorporate terracing and modulation of the building facades which reflect and emphasize the Welcome Hill as a valuable natural feature and important landmark. The applicant may redistribute the floor area to other buildings on the Business Park, with the exception of Buildings F, M, and K.

18. The applicant shall provide on or immediately adjacent to the Business Park, a minimum 1.5 acres (5% of the total site area) of active/passive recreation area for use of the Business Park tenants. This area may be provided in more than one piece; however, these areas must be suitable for diverse activities. The active/passive recreation areas shall not include the regulated wetland or its associated 50 foot wide buffer strip.

19. The applicant shall submit a revised parking plan for the entire Master Plan site, showing the proposed 2,000 stalls and designating 1,723 of these to be developed. The remaining 277 stalls shall not be developed unless, upon construction of at least 75% of the approved total building square footage for the Master Plan, the applicant can demonstrate to the satisfaction of the Department of Planning and Community Development that additional parking is needed.

20. Prior to issuance of building permits for the Master Plan, the applicant shall:

- (a) For the first building permit issued under the Master Plan, record and submit right-of-way dedication documents for 115th Avenue NE, NE 120th St., NE 122nd Way, NE 122nd Place, and the right-of-way extended south and east of the loop road between buildings J, K, and L (see Exhibit F).
- (b) For buildings K and M, whichever is first, record and submit a copy to the City of a Natural Greenbelt Easement document (see Attachment 23 of Exhibit A), using the standard form approved by the City Attorney, for the

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regulated slopes south of Buildings K and M. For Building M, the easement for the southern regulated slope will be between approximately contour 195 to 235, and for Building K the easement for the southern regulated slope will be between approximately contour 160 to 180, as shown in Attachment 7 of Exhibit A.

- (c) For Buildings C through M, whichever is first, record and submit a copy of a Greenbelt Easement document (see attachment 24 of Exhibit A), using the standard form approved by the City Attorney for the 50 foot wide landscape buffers along the south and southwest property lines adjacent to the existing single-family zone (RS 7.2).
- (d) For Buildings A, F, G, H, K, J, L, and M, submit plans reflecting revised building designs and/or locations as required in the above conditions 6 - 19.
- (e) For each building permit, show at least 25% compact stalls in place of standard size stalls. The area resulting from the installation of compact instead of standard stalls shall be used to provide more landscaping.
- (f) Prior to the issuance of a building permit which causes the total gross square footage of the buildings to exceed 563,000 square feet, the applicant shall submit either a dedication of a 60 foot wide right-of-way for NE 122nd Place from the southeast corner of lot 3 of King County, Short Plat 579027, a vacant lot to the northeast of the Master Plan site, or provide proof of the right to legal access across Northwest Construction road.
- (g) For each building permit for the buildings adjacent to the perimeter of the Master Plan site, show the required 5 foot wide landscape strip per Zoning Code Section 105.80.1. The parking lots located east of Buildings M and A do not appear to meet the parking buffer screen requirements (see Attachment 8 of Exhibit A).
- (h) For Building A, show a five (5) foot wide concrete pedestrian walkway from 115th Ave. NE across the north or south side of Building A and extending to NE 124th St. Public access identification signs shall be provided at each end of the walkway. At each end, bollards or similar devices also shall be installed to prevent

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the use of motorbikes on the walkway. Pedestrian walkways shall be designed (e.g. with railings) so there is no access from walkway to the parking lots north of Building A, which have access to NE 124th St. The location, and design of, and signing for the walkway shall be approved by the Department of Planning and Community Development and Public Works.

- (i) For Building A, show no elevators, stairs, or other means of access from the building to the parking lots to the north, which have direct access to NE 124th Street.
- (j) Show additional coniferous trees and shrubs along the south facades of Building C, J, and K and along the east facades of Buildings A and M to provide a visual break and screening of facades.
- (k) For Buildings H, J and L, regrade all of the building sites prior to the issuance of building permits for any of the three buildings, if necessary, to assure proper drainage of all storm water toward the west. The applicant is responsible to insure that the fill material placed in the eastern portion of the site during 1985 doesn't result in storm drainage and erosion problems for Northwest Construction. Also, remove existing fill to achieve finished floor elevations as shown on Attachment 6 of Exhibit A: Building H-160, Building J-161 and Building L-162.
- (l) For Buildings K, L and M, show on the landscape plans three rows instead of two rows of trees planted eight feet on center, within the fifty foot wide landscape buffer. Existing trees may be substituted in place of the required trees.
- (m) For Buildings K and M, show no construction, grading, or clearing on the regulated slopes south of Buildings M and K. The southern parking lots for Buildings K and M adjacent to the regulated slope shall be constructed so that the slopes are undisturbed. The applicant shall stake, rope and tape along the base of these regulated slopes adjacent to the proposed parking lots prior to issuance of any building permits.
- (n) For Building M, show a five (5) foot wide pedestrian path extending from the southern parking lot of Building M to NE 116th Street. The location, grade and design of the improvements shall be approved by the Departments of

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- r) For each building, submit to the Department of Public Works a plan for a permanent and construction phase storm water control system.
21. Prior to issuance of occupancy permits for the master plan, the applicant shall:
- a) For Building A, install the pedestrian walkway to N.E. 124th Street, submit a 3-year maintenance bond for the walkway and submit to the City for recording a nonexclusive pedestrian access easement for the walkway.
 - b) For Building A, submit to the City a copy of all lease agreements indicating that tenants and customers are not allowed to park in the parking lots north of Building A which have direct access to N.E. 124th Street.
 - c) For Buildings C and D, install all required right-of-way improvements for N.E. 120th Street and 115th Avenue N.E. which are in front of and serve the building site areas.
 - d) For Buildings E through M, whichever is first, the applicant install all remaining right-of-way improvements for N.E. 120th Street, 115th Avenue N.E., N.E. 122nd Place and all improvements for N.E. 122nd Place and the right-of-way extended south and east of the loop road between Buildings J, K, and L (see Attachment 36).
 - e) For Building M, install the pedestrian walkway to N.E. 116th Street, submit a 3-year maintenance bond for the walkway and submit to the City for recording a nonexclusive pedestrian access easement for the walkway.
 - f) For Buildings K, L and M, install the landscaping within the 50-foot wide landscape buffer adjacent to each building and submit a 3-year maintenance bond for the buffer.
 - g) For Building F, complete the revegetation of the westerly base of Welcome hill and submit a 3-year maintenance bond for the vegetation.
 - h) For each building, install a fully operational permanent storm water control system.
 - i) For each building, submit to the Department of Planning and Community Development a bond or other security device to ensure maintenance of landscaping, the permanent storm water retention system, and other site improvements, pursuant to Zoning Code Chapter 175.

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- (b) For Building A, submit to the City a copy of all lease agreements indicating that tenants and customers are not allowed to park in the parking lots north of Building A which have direct access to NE 124th Street.
- (c) For Buildings C and D, install all required right-of-way improvements to NE 120th Street and 115th Avenue NE which are in front of and serve the building site areas.
- (d) For Building E through M, whichever is first, the applicant shall install all remaining right-of-way improvements for NE 120th Street, 115th Avenue NE, NE 122nd Place, and all improvements for the right-of-way extended south and east of the loop road between Buildings J, K and L (see Exhibit F).
- (e) For Building M, install a pedestrian walkway to NE 116th Street, submit a three year maintenance bond for the walkway and submit to the city for recording the non-exclusive pedestrian access easement for the walkway.
- (f) For Building K, L and M, install the landscaping within the 50 foot wide landscape buffer adjacent to each building and submit a three year maintenance bond for the buffer.
- (g) For Building F, complete the revegetation of the westly base of Welcome Hill and submit a three year maintenance bond for the vegetation.
- (h) For each building, install a fully operational permanent storm water control system.
- (i) For each building, submit to the Department of Planning and Community Development a bond or other security device to insure maintenance of landscaping, the permanent storm water retention system, and other site improvements, pursuant to Zoning Code Chapter 175.
- (j) For each building, submit to the Department of Planning and Community Development, for recording with the King County Department of Records and Elections, an agreement acceptable to the City Attorney to maintain the landscaping with the rights-of-way adjacent to the business park.

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- (k) In lieu of completing the above required improvements, the applicant may submit a performance bond pursuant to Zoning Code Chapter 175, only if the criteria in Section 175.10.2 are met.

22. Prior to recording of the Binding Site Plan documents, the applicant shall:

- (a) Include the location of both secondary access roads (NE 122nd Place and Northwest Construction Road).
- (b) Submit for approval by the Department of Planning and Community Development a mylar which is consistent with the provisions of Section 1.15.3 of the Subdivision Ordinance.
- (c) Show and state on the mylar that no secondary vehicular access is permitted from the Master Plan site to NE 124th Street, including from Building A and the associated terraced parking lot.
- (d) Show and state on the mylar that no vehicular access is permitted directly from the Master Plan site to NE 116th Street.
- (e) Show and state on the mylar a non-exclusive five foot wide pedestrian access easement from the south parking lot of Building M on lot 13 across lot 14 to NE 116th Street, where the pedestrian path is to be installed.
- (f) Show and state on the mylar a non-exclusive five foot wide pedestrian access easement across lot 1, containing Building A, where the pedestrian walkway is to be installed.
- (g) Show and state on the mylar the Greenbelt Easement for the wetland in the western portion of the site, and the regulated slopes and the fifty (50) foot wide landscape buffers in the southern portion of the site. Include on the mylar the restrictive wording contained in Attachment 23 of Exhibit A.
- (h) Sign and submit the appropriate recording fees for a completed copy of the Binding Site Plan agreement (see Attachment 32 of Exhibit A).

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Development Standards
Totem Skyline Business Park
III-87-22

A. Department of Planning and Community Development

1. Zoning Code:
 - a) Chapter 107; Storm Water Control
 - b) Chapter 110; Required Public Improvements
 - c) Section 105.80; Parking Area Buffering

B. Department of Public Works

1.
 - a) Sanitary Sewer: Other District
 - b) Authority: K.M.C. Title 15: ; Other:
2.
 - a) Domestic Water: Other District
 - b) Authority: K.M.C. Title 15: ; Other:
3.
 - a) Storm Water: Detention calculations and plans required - show modifications to existing systems.
 - b) Authority: Zoning Code Chapter 107: X; Other:
4.
 - a) Right-of-Way Improvements: One half street improvements for NE 124th Street and NE 122nd Way and 113th NE completion of improvements along project frontage.
 - b) Authority: Zoning Code Chapter 110: X; Other:
5.
 - a) Transmission lines: underground on-site c/c for other adjacent
 - b) Authority: Zoning Code Chapter 110: X; Other:

C. Building Department

1. Relevant Building Code Requirements: Buildings constructed must comply with the Uniform Codes as adopted and amended by the City of Kirkland.
2. Dumpster: To be located in approved locations so that the garbage truck may dump them without rolling the dumpster from the enclosure.
3. Other: Landscape modification permits required for site development.

Development Standards - continued
Totem Skyline Business Park

D. Fire Department

F.D. Ref. #J3-1

1. Emergency Access: X indicates a requirement
 - a) Fire Lanes (UFC 10.207): X
 - b) Turn-around (UFC 10.207): X
 - c) Grade: X - Not to exceed 15 percent
2. Fire Hydrants (UFC 10.301): X
3. Fire Alarm Systems (KMC 21.08.213): X
4. Fire Extinguishers (UFC 10.301): X
5. Key Box (UFC 10.209): X
6. Sprinkler System (UFC 10.309): X
7. Vertical Standpipe (UFC 10.312): X - May be required
8. Horizontal Standpipe (UFC 2.102):
9. State Fire Marshal Approval:
10. Fire Flow Information (UFC 10.301): X - 4000 g.p.m.
11. Other: The above requirements shall be completed and approved prior to any combustible construction

7204C/22A/JW:dc:np

RCW 197-11-970 Determination of nonsignificance (DNS).

DETERMINATION OF NONSIGNIFICANCE

Description of proposal Amendment to existing Master Site Plan to add approximately seven (7) acres to the existing site and to develop three (3) new buildings totaling approx. 52,000 square feet (File No. III-87-22)

Proponent Totem Skyline Associates II

Location of proposal, including street address, if any South of NE 124th Street on 113th Avenue NE.

Lead agency City of Kirkland

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

☐ There is no comment period for this DNS.

☒ This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 15 days from the date below. Comments must be submitted by July 2, 1987.

Responsible official Joseph W. Tovar

Position/title Director, Planning and Community Development Phone 828-1262

Address City of Kirkland, 123 5th Avenue, Kirkland, Washington 98033

Date 6/17/87 Signature [Signature] for Joseph Tovar

☒ You may appeal this determination to (name) Nancy L. Carlson
 at (location) Kirkland City Hall, 123 5th Avenue, Kirkland 98033
 no later than (date) July 9, 1987
 by (method) WRITTEN NOTICE OF APPEAL

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

☒ Distribute to "Checked" Agencies on Reverse side of this form along with a copy of the Checklist.

☒ Publish in the Daily Journal American, Date: June 25, 1987

Mailed to the following along with environmental checklist:

xxx Department of Ecology, Environmental Review Section,
Mail Stop PV-11, Olympia, WA 98504-8711

 Department of Fisheries, 115 General Administration
Building, Olympia, WA 98504

 Department of Game, 16018 Mill Creek Boulevard, Mill
Creek, WA 98012

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

Others:

XX King Co., Traffic and Planning Engineer, Dept. of Traffic and Planning
975 King Co. Admin. Bldg., 500 4th Ave., Seattle 98109

XX Washington State Dept. of Transportation, TSM&P Land Developers
9611 SE 36th St., Mercer Island, WA 98040

cc: Planning & Community Development File No. III-85-78

 Building Department (Permit No.)

xx Applicant and/or Agent

xx CONDITIONS: See attached

Determination & all attachments mailed to parties
listed above on 6/17/87 bk

3461C/277A/NC:dlc

Conditions:I. TRAFFIC

- A. Prior to the issuance of the next building permit for any structure within the Totem Skyline Business Park, the applicant shall submit to the Department of Planning and Community Development:
1. A financial security in a form acceptable to the City Attorney for 50% of the cost of intersection and approach improvements (as determined by the City of Kirkland Department of Public Works) for the intersection of 120th Avenue N.E. and N.E. 116th Street. The financial security shall be held by the City for not more than two years beyond the date of occupancy of 90% of the entire Totem Skyline Business Park. If the funds are not used by the City for the stated work by this time, they will be released. This condition supercedes Condition I.8.2. of the conditioned Determination of Nonsignificance dated September 5, 1986, for File No. III-85-78. The applicant's responsibility for participating in improvements at this intersection has been lowered due to an error found with the calculation of the original determination of financial responsibility.
 2. A financial security in a form acceptable to the City Attorney for 5.5% of the cost of intersection and approach improvements (as determined by the City of Kirkland Department of Public Works and the Washington State Department of Transportation (WSDOT)) for the intersection of 116th Avenue N.E. and N.E. 124th Street. The financial security shall be held by the City for not more than two (2) years beyond the date of occupancy of 90% of the entire Totem Skyline Business Park. If the funds are not used by the City for the stated work by this time, they will be released. A percentage of 5.5% is in addition to the applicant's original responsibility of 30.5%.

II. WETLANDS

The City has determined that the area of the "Knight" property west of approximately the 143-foot contour line (see Attachment 3) is a "regulated wetland" as defined in Kirkland Zoning Code Section 5.768, page 21, and pursuant to Section 90.20.c.

- A. Prior to the review of the amendments to the master program application, the applicant should redesign the site plan on the "Knight" property to provide a 50-foot undisturbed setback from the wetland edge, or based on a report from a qualified wetlands expert, a smaller buffer area which provides qualitatively comparable protection for the wetland. No improvements are allowed within the setbacks, except for "minor improvements" as defined in Zoning Code Section 90.30.3, page 252A. The plan submitted should show the exact location of the parking and structures in relationship to the wetlands, including dimensioned setbacks.
- B. The wetlands and wetland buffer shall remain undisturbed. No construction equipment should be operated and no dumping from construction activities should occur within the wetland buffer or within the wetland area.

C. Prior to issuance of any building permit for any structure within Totem Skyline Business Park, the applicant should:

1. Sign and submit to the City, for recording, a natural greenbelt easement document for the wetland and the wetland buffer using the City's standard form approved by the City Attorney.
2. Sign and submit an agreement indemnifying the City from any damage resulting from development activity on the property which is related to the physical condition of the regulated wetland. This agreement shall be recorded with the King County Records and Election division.

7022C/350A/JW:rk:cw

CITY OF KIRKLAND
Planning & Community Development
MEMORANDUM

Date: June 17, 1987

To: Joseph W. Tovar

From: Jeffrey S. Wilson *Jsw.*

Subject: ENVIRONMENTAL DETERMINATION - AMENDMENT TO TOTEM SKYLINE BUSINESS PARK MASTER PLAN, FILE NO. III-87-22

I have had an opportunity to visit the site and review the Environmental Checklist and supporting material (see Attached) for the project referenced above. In addition, I have received the recommendations from the Department of Public Works with regard to potential traffic impacts generated by the above-referenced project on the surrounding streets and intersections. As a result of this review, I recommend that a determination of nonsignificance with conditions be issued to mitigate potential significant environmental impacts related to traffic and impacts to the wetland located on the "Knight" property.

There are two specific areas of concern with this project. The first area is related to potential traffic impacts on the existing level of service for the adjacent rights-of-way serving this property. An addendum to the original traffic reports prepared for the master plan was prepared by TDA on March 31, 1987. Based on an analysis of this traffic information by our Department and Public Works, the Department of Public Works has prepared a memorandum outlining mitigation measures for potential traffic impacts (see Attached).

The Land Use Policies Plan on page 136 states Goal 2 to be: "To provide a desirable living environment by improving the transportation system." Furthermore, Policy 1.b. on the same page states: "Recognize the needs for a suitable access to designated commercial and industrial areas without impacting residential areas." In particular, for the ParMac area, of the Juanita/ParMac/Totem Lake Neighborhood on page 382E, it states that: "If necessary to provide for the smooth flow of traffic, signalization of this point of access or other measures may be required to mitigate the impacts of development. Therefore, the Land Use Policies Plan supports the need for mitigation of the potentially significant traffic impacts created by the expansion of the Totem Skyline Business Park."

The second major concern is related to the regulated wetland located in the northwest corner of the "Knight" property located on the west side of 113th Avenue N.E. This regulated wetland is immediately adjacent to the approximately 25 acre Chaussee wetland to the west. The status of the "Knight"

Memorandum to Joseph W. Tovar
June 17, 1987
Page 2

wetland as a regulated wetland is set forth in letters from Mr. Rex Van Wormer, dated March 27, 1987, May 11, 1987, and June 10, 1987, to the City and the official determination made by the City, dated June 17, 1987. It is based on these documents that the proposed mitigation measures are formulated.

The Land Use Policies Plan on page GP-19 in Policy 1.2. states that: "Development and natural constraint areas should be regulated to insure environmental quality and avoid unnecessary public and private cost." Therefore, the Land Use Policies Plan supports the need for mitigation of potential impacts on the regulated wetland.

The proposed mitigation measures outlined in this memo are designed only to reflect the expansion of the master program. The conditions attached to the original determination on the Totem Skyline Business Park are still fully intact. The conditions identified in this memorandum and subsequent determination are based solely on the expansion and do not directly affect existing conditions.

In order to mitigate the above-discussed potential significant environmental impacts, the applicant should be required to do the following:

I. TRAFFIC

Based on the TDA traffic addendum and part of the Department of Public Works review, the applicant should do the following to mitigate traffic impacts on the locations identified below:

- A. Prior to the issuance of the next building permit for any structure within the Totem Skyline Business Park, the applicant should submit to the Department of Planning and Community Development:
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 2. A financial security in a form acceptable to the City Attorney for 5.5% of the cost of intersection and approach improvements (as determined by the City of Kirkland Department of Public Works and the Washington State Department of Transportation

Memorandum to Joseph W. Tovar
June 17, 1987
Page 3

(WSDOT)) for the intersection of 116th Avenue N.E. and N.E. 124th Street. The financial security shall be held by the City for not more than two (2) years beyond the date of occupancy of 90% of the entire Totem Skyline Business Park. If the funds are not used by the City for the stated work by this time, they will be released. A percentage of 5.5% is in addition to the applicant's original responsibility of 30.5%.

II. WETLANDS

The City has determined that the area of the "Knight" property west of approximately the 143-foot contour line (see Attached) is a "regulated wetland" as defined in Kirkland Zoning Code Section 5.768, page 21, and pursuant to Section 90.20.c.

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- C. Prior to issuance of any building permit for any structure within Totem Skyline Business Park, the applicant should:
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Memorandum to Joseph W. Tovar
June 17, 1987
Page 4

Review by Responsible Official:

I concur X

I do not concur _____

Comments: _____

for E. S. 6/17/87
Joseph W. Tovar Date

Attachments

7022C/350A/JW:rk:cw

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7022C/350A/JW:rk:cw

CITY OF KIRKLAND
ENVIRONMENTAL CHECKLIST

165
RECEIVED

MAR 27 1987

Purpose of Checklist:

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

Instructions for Applicants:

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

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

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

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

Use of checklist for nonproject proposals:

Use this checklist for nonproject proposals also, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

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

BACKGROUND

Name of proposed project, if applicable: Totem Skyline Business Park

Name of applicant: Totem Skyline Associates II

-1-

3. Address and phone number of applicant and contact person: Peter Henning, 11411 N.E. 124th St., Suite 150, Kirkland, WA 98034, (206) 823-1191
4. Date checklist prepared: March 27, 1987
5. Agency requesting checklist: Kirkland Planning Department
6. Proposed timing or schedule (including phasing, if applicable): 1987
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? No, not for 1987
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. TDA, Inc. - Supplemental Traffic Study, Independent Ecological Services Wetland Evaluation of the Knight Property (Building No. 7) (2/87)
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. No Comprehensive Sign Plan and Off-site Sign Plan to identify project (2/87)
10. List any government approvals or permits that will be needed for your proposal, if known. No Revision to Master Site Plan, Building Permits (2/87)
11. Give brief, complete description of your proposal, including the proposed uses, the size and scope of the project and site including dimensions and use of all proposed improvements. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. The action proposed is to add approximately seven (7) acres as shown on the attached site plan to the Totem Skyline Business Park master planned area. The purpose is to permit the Business Park uses to be applied to the subject property.
12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. The land affected is the approximately 300' frontage on the south side of Northeast 124th Street and running 750' East from 113th Avenue N.E. In addition the one and one half acre Knight property located on the West side of 113th Ave. N.E. 800' South of N.E. 124th Street is included

TO BE COMPLETED BY APPLICANT
B. ENVIRONMENTAL ELEMENTS

EVALUATION FOR
AGENCY USE ONLY

1. EARTH

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other rolling
- b. What is the steepest slope on the site (approximate percent slope)? 10%
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland. silty clays and gravel
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. No
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill. The only grading contemplated is on the Knight property which would entail grading the knob or hill on the East side of the property to fill in portions of the lower part of this site.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. No
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? 75%
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: During construction, normal erosion control measures such as silt fences, etc.

2. AIR

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known. Emissions from cars and trucks to the extent they are used during the construction period and afterwards during normal operation of the Business Park.

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FOR AGENCY USE ONLY

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. No
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: continuation of the measures already in effect for the Business Park in limiting traffic.

3. WATER

a. Surface

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. Wetland to the West of Knight property that flows into Juanita Creek.
- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. No
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. Possibly filling the narrow finger of low ground along the North property line of the Knight property.
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. No
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. No
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. No

Wetland in NW corner of property west of 145th Ave. NE Van Hornes report

area of wetland (regulated)

b. Ground

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known. Storm drainage will be discharged through an approved plan for such discharge.
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals ...; agricultural; etc). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. The only runoff will be from the storm drain system.

c. Water Runoff (including storm water):

- 1) Describe the source of runoff (include storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. For the properties along 124th the storm drainage will run into the existing storm drainage system along N.E. 124th. For the Knight property it would be expected the storm water would be collected in a suitable detention system & discharged into the wetland to the West.
- 2) Could waste materials enter ground, or surface waters? If so, generally describe. No

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any: Runoff would be controlled by means of an approved retention detention system.

4. PLANTS

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

- ☐ deciduous trees: alder, maple, aspen, other
☒ evergreen trees: fir, cedar, pine, other
☒ shrubs
☒ grass
☐ pasture

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FOR AGENCY USE ONLY

- ☒ crop or grain
☒ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
☐ water plants: water lily, cutgrass, milfoil, other
☐ other types of vegetation

b. What kind and amount of vegetation will be removed or altered? The only vegetation to be considered would be that during the grading operation on the Knight property.c. List threatened or endangered species known to be on or near the site.
Noned. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: landscaping would be the use of normal plants specified in the Kirkland Landscaping Code.

5. ANIMALS

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

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

b. List any threatened or endangered species known to be on or near the site.
Nonec. Is the site part of a migration route? If so, explain. Nod. Proposed measures to preserve or enhance wildlife, if any: None

6. ENERGY AND NATURAL RESOURCES

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

-6-

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. No
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: Those specified by the State Energy Conservation Code.

7. ENVIRONMENTAL HEALTH

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. No
- 1) Describe special emergency services that might be required. _____
- 2) Proposed measures to reduce or control environmental health hazards, if any: _____
- b. Noise
- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? Normal traffic noise, equipment noise during construction period.
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. Noise from normal traffic during the hours, roughly 7:30 a.m. and 5:30 p.m. per day and at the proposed restaurant site until 11:00 p.m.
- 3) Proposed measures to reduce or control noise impacts, if any: Those already in place for the Business Park.

8. LAND AND SHORELINE USE

- a. What is the current use of the site and adjacent properties? A two (2) story office building, a restaurant and one residence are currently on the site adjacent to N.E. 124th and a home is on the Knight property site.

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FOR AGENCY USE ONLY

- b. Has the site been used for agriculture? If so, describe. No
- c. Describe any structures on the site. The office building is concrete tiltup the other structures are wood frame.
- d. Will any structures be demolished? if so, what? The two (2) houses will eventually be demolished when the development of these sites takes place.
- e. What is the current zoning classification of the site? Office
- g. If applicable, what is the current shoreline master program designation of the site? _____
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify. No
- i. Approximately how many people would reside or work in the completed project. Two hundred (200) people.
- j. Approximately how many people would the completed project displace? None
- k. Proposed measures to avoid or reduce displacement impacts, if any: N/A
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: Compliance with Kirkland Land Use and Building Code.

9. HOUSING

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. None
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. None
- c. Proposed measures to reduce or control housing impacts, if any: None

PLA-10B (allows office
+ Business Park devel.) (JLH)

N/A (JLH)

FOR AGENCY USE ONLY

10. AESTHETICS

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? 42' for existing
Height of new structures 35' or less. Concrete, glass & stucco
- b. What views in the immediate vicinity would be altered or obstructed? None
- c. Proposed measures to reduce or control aesthetic impacts, if any: None

Current Forest Park Memorial
Review will review of
structures.

11. LIGHT AND GLARE

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? Light or glare would come from yard lights and/or wall packs on the side of the buildings. In both cases the fixture will be a box type that will reflect the light rays down rather than at any 180° angle.
- b. Could light or glare from the finished project be a safety hazard or interfere with views? No
- c. What existing off-site sources of light or glare may affect your proposal? None
- d. Proposed measures to reduce or control light and glare impacts, if any: None

Light should be shielded to
protect existing res. in vicinity
(JAC)

12. RECREATION

- a. What designated and informal recreational opportunities are in the immediate vicinity? The greenbelt and wetland areas of the Totem Skyline Business Park.
- b. Would the proposed project displace any existing recreational uses? If so, describe. No
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: No

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FOR AGENCY USE ONLY

13. HISTORIC AND CULTURAL PRESERVATION

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe. None
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site. None
- c. Proposed measures to reduce or control impacts, if any: None

14. TRANSPORTATION

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any. Streets associated with the project are N.E. 124th and 113th Avenue N.E. Access to the new sites is shown on the attached site plan
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop? Yes
- c. How many parking spaces would the completed project have? How many would the project eliminate? The total completed project will have approximately 2,000 parking spaces and none would be eliminated.
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private). The proposed additions would not require any new roads, streets or improvements to the streets.
- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. No
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur. See TDA, Inc. traffic update

New road to the east
to connect to 124th Ave NE
is required by existing master
plan permits (JAC)

see 14.d above (JAC)

Traffic improvements in
area around site

- g. Proposed measures to reduce or control transportation impacts, if any:
The traffic management program for the Business Park would be used to mitigate transportation impacts for the additional sites.
15. PUBLIC SERVICES
- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)?
If so, generally describe. The project will result in the minimal increase in fire and police protection.
- b. Proposed measures to reduce or control direct impacts on public services, if any.
Compliance with Kirkland Building Codes
16. UTILITIES
- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. Those already existing - namely Puget Power, General Telephone, Northeast Lake Washington Water and Sewer District and Eastside Refuse.
- C. SIGNATURE
- The above answers are true and complete to the best of my knowledge.
I understand that the lead agency is relying on them to make its decision.

Signature: Peter Henning
Date Submitted: 3/26/87

RECEIVED

Revised 4/6/87 APR 10 1987

PLANNING DEPARTMENT
BY

MEMORANDUM

To: Peter Henning
West America Associates

From: Ross Tilghman

Subject: Traffic from Additional Development on 113th Avenue N.E.

Potential development of three properties on 113th Avenue N.E. would generate additional traffic on this street which is the primary access to Totem Skyline Business Park. Traffic volumes for daily and afternoon peak hour periods have been estimated using Institute of Transportation Engineers data for each property. Table 1 shows potential traffic volumes for those properties.

Table 1. Estimated Traffic Volumes from Potential Development on 113th Avenue N.E.

Property	Use	Area SF	Daily Rate	AMDT	FM PK Rate	VTE In	Out
Henning	Restaurant	10,000	74.9	749	6.14	61	38 23
Glidden	Office Warehouse	13,200	12.3	162	2.2	29	4 25
		8,800	4.88	43	1.63	14	1 13
Knight	Office Warehouse	12,000	12.3	148	2.2	26	4 22
		8000	4.88	39	1.63	13	1 12
Total				1141		144	48 95

Assumes 60% office, 40% warehouse in one building

Source: West America Associates; ITE; TDA, Inc.

These volumes have been assigned to the street system based on the regional traffic distribution used in the Totem Skyline Business Park Environmental Checklist Transportation Report, Final Report, August, 1986. Figure 1 shows the additional developments' p.m. peak and daily traffic volumes.

TDA
INC.

However, it is likely that much of the traffic south of these sites on 113th Avenue N.E. would be Skyline Business Park tenants and visitors going to and from the restaurant. Actual through traffic to the south (and out the business park's ultimate secondary access on the Northwest Construction Road) would be less than 10% of new traffic.

Level of service at the intersection of 113th Avenue NE./N.E. 124th Street would remain at LOS A in the 1990 p.m. peak hour as projected for buildout conditions of Skyline Business Park. Morning peak hour traffic could produce LOS D, a decrease from the projected LOS C in 1990 (the previously projected LOS C was at the lower limit of its range). If any one of the properties were not developed by 1990, then the intersection would retain LOS C. This result is preliminary and should be re-evaluated when specific development programs are defined and potential mitigation measures are proposed.

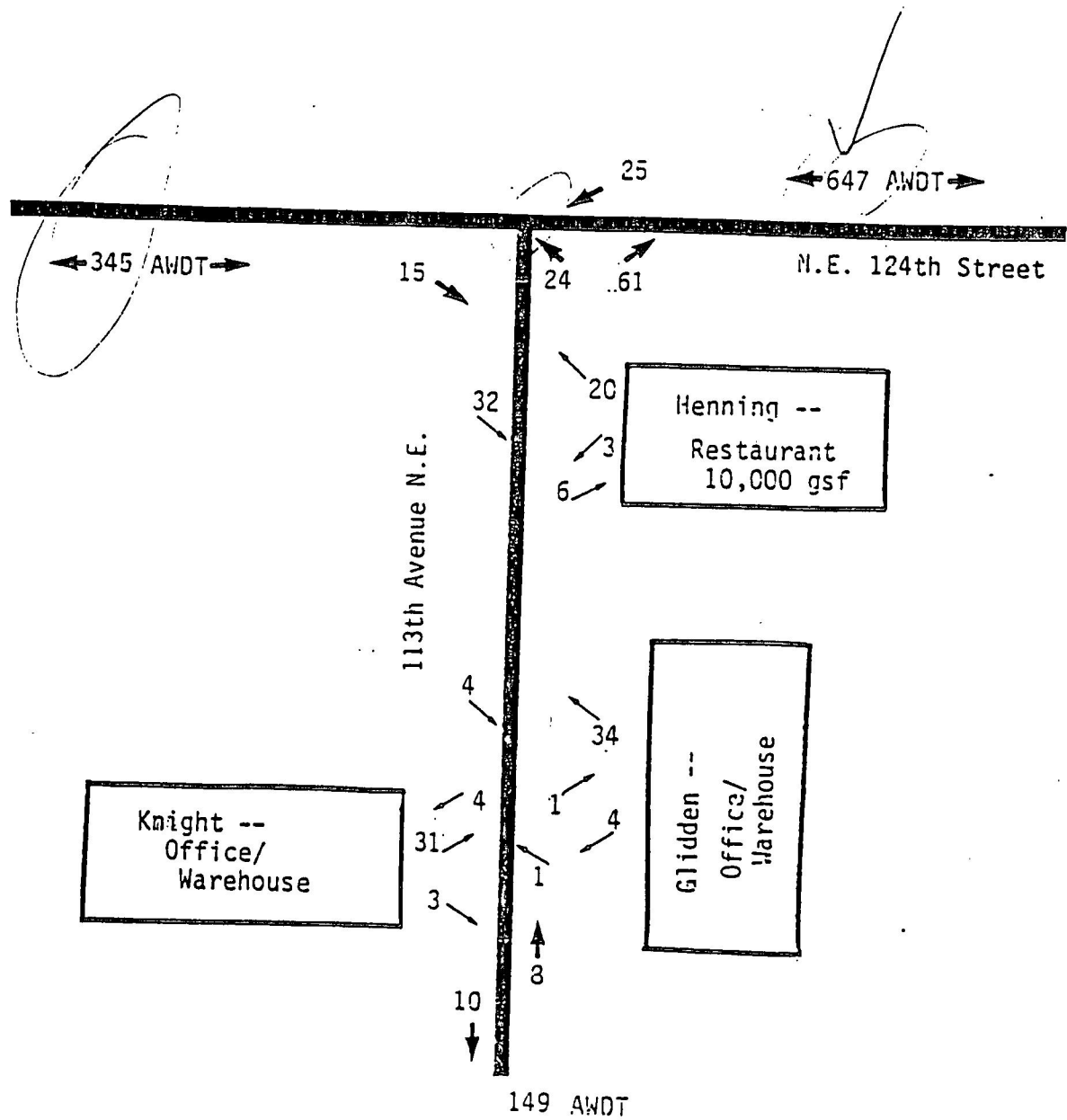


Figure 1. Projected Traffic Volumes -- P1 Peak Hour and AWDT

Source: TDA, Inc.

CITY OF KIRKLAND
Department of Public Works
MEMORANDUM

To: Jeff Wilson

From: Gary Sund 

Date: June 10, 1987

Subject: Totem Skyline

I have assessed the impact of the traffic generated by the additional development along 113th Avenue, just west of N.E. 124th Street. The applicants responsibility for intersection improvements are as follows:

N. E. 124th Street and 116th Ave. N.E.	36%	up 5.5%
Northwest Construction Rd/120th Ave. NE	71.8%	up 0.8%
N.E. 116th Street and 120th Ave. N.E.	50%	up 2.2%

The initial responsibility of N.E. 116th Street and 120th Ave. N.E. was 79.6%. This was off by a factor of 10. The original warrant percentage was 7.967 and should not have been the controlling warrant.

pj

APPLICANTS RESPONSIBILITY FOR IMPROVEMENTS
AT THE BELOW MENTIONED INTERSECTIONS
BASED ON THE ORIGINAL PROJECT PLUS
THE TRAFFIC FROM THE ADDITIONAL
113RD AVENUE DEVELOPMENT.

INTERSECTION	PRIOR	CURRENT	INCREASE
NE 124 TH ST / 116 TH AVE NE.	30.5%	36%	5.5%
NORTHWEST CONSTRUCTION RD / 120 TH AVE NE	71.0%	71.8%	0.8%
NE 116 TH ST / 120 TH AVE NE	79.6% 47.8%	50.0%	-29.6% 2.2%

* ERROR IN INITIAL ANALYSIS.

TOTAL ADDITIONAL TRAFFIC AT THE 124/116TH AVE
INTERSECTION. = 647 AWDT

DISTRIBUTION PER PREVIOUS REPORT =

$$\frac{655 \text{ ON } 116^{\text{TH}} \text{ AVE}}{3,460 \text{ ON } 124^{\text{TH}} \text{ ST}} = 19\%$$

∴ PROJ. AWDT ON N.E. 124TH ST. = 3460

81% OF AWDT FROM ADDITIONAL

PROJECTS ON 113TH ST = (.81)(647) = 524

TOTAL AWDT = 3984

ASSUME 70% IN 8 HOURS = 2793

AM PEAK = -555

PM PEAK = -435

ADDITIONAL PM PEAK = -70

1695

$$\frac{1695}{6 \text{ HRS}} = 282 \text{ VPH}$$

$$\frac{285}{600} = 47\% \text{ OF WARRENT \#1}$$

$$\frac{285}{900} = 31.3\% \text{ OF WARRENT \#2}$$

PROJECT AWDT ON 116TH AVE = 655

19% OF AWDT FROM ADIT. PROJ

ON 113TH ST = .19(647) = 123

SUBTOTAL = 778

70% IN 8 HRS = 545

ASSUME 50% S.B. = 270

AM PEAK = 60

PM PEAK = 15

ADDITIONAL PM PK. = 16

$$\frac{184}{6 \text{ HRS}} = 30.6 \text{ VPH}$$

WARRENT 1

$$\frac{30.6}{120} = 23.5\%$$

$$\frac{30.6}{75} = 40.8\%$$

WARRENT 2

STEEL SKYLINE BUSINESS PARK

151
3/5

WARRANT 1

MAJOR - 47%

MINOR - 23.5%

70.5%

35.2%

WARRANT 2

MAJOR - 31.3%

MINOR - 40.8%

72.1%

/2 = 36%

∴ APPLICANTS RESPONSIBILITY IS 35%

AN INCREASE OF 5.5%

NORTHWEST CONSTRUCTION / 120th AVE NE

INCREASE IN AWDT DUE TO 113th Development = 149

PERCENTAGE AWDT OF NWJC ROAD = $\frac{2220}{5900} = 37.6\%$

AWDT ON 120th AVE N.E. = 2680

62.4% ADDIT. AWDT = (624)(149)

Sub Total = 2773

70% IN 8 HOURS = 1941

AM PEAK = -324

PM PEAK = -54

1603 Vehicles in 6 hours

1683/6 hours = 280.5

267/500 = 53.4% #1

267/750 = 35.6% #2

$$\begin{array}{rcl} \text{AWDT ON NWC ROAD} & = & 2220 \\ 37.6\% \text{ OF } 149 & = & 56 \\ \hline & & 2276 \end{array}$$

$$\begin{array}{rcl} 70\% \text{ IN 8 HOURS} & = & 1593 \\ \text{ASSUME } 50\% & = & 796 \\ \text{AM PEAK} & = & -59 \\ \text{PM PEAK} & = & -249 \\ \hline & & 1285 \end{array}$$

H.28

NO CHANGE

$$\begin{array}{rcl} \text{WARRANT 1 MAJOR} & 53.4 & \\ \text{MINOR} & 54.0 & \\ \hline & = 107.4 & \\ \text{AVG} & = & 53.7 \end{array}$$

$$\begin{array}{rcl} \text{WARRANT 2 MAJOR} & 35.6 & \\ \text{MINOR} & 108 & \\ \hline & = 143.6 & \\ \text{AVG} & = & 71.8 \end{array}$$

Applicants Responsibility 71.8%NE 116TH ST. / 120TH AVE NE.PREVIOUS TOTAL PROJECT AWDT
ASSIGNED TO THIS INTERSECTION

$$\begin{array}{rcl} \text{TOTAL PROJECT AWDT} & = & 4150 \\ & & 7310 \\ \hline & & = 57\% \end{array}$$

$$\begin{array}{rcl} \text{PERCENT OF PROJECT TRIPS X } 113^{\text{TH}} \text{ Develop Trips} & = & .57(1141) \\ & = & 650 \end{array}$$

$$7\% \text{ } 116^{\text{TH}} \text{ ST OF TOTAL INTERSECTION ASSIGN} = .354$$

$$\begin{array}{rcl} \text{PREVIOUS AWDT } 116^{\text{TH}} \text{ ST. LEG} & = & 1470 \\ \text{ADDITIONAL } 113^{\text{TH}} \text{ DEVEL. TRIPS} & = & 230 \end{array}$$

$$\begin{array}{rcl} 70\% \text{ IN 8 HRS} & = & 1190 \\ \text{AM PEAK} & = & -281 \\ \text{PM PEAK} & = & -58 \\ \hline & & 851 \end{array}$$

851 Vehicles IN 6 HOURS

/ 6 HRS = 142/hour

$$142/500 = 28.4\% \text{ of WARRANT \#1}$$

$$142/750 = 18.9\% \text{ of WARRANT \#2}$$

120 PLANE LEG.

ORIG. PROJ. FWD T = 2680

ADDITIONAL VEH PEI 134 ADDIT = 420

ASSUME 70% IN 8 HRS = 2170

ASSUME 50% SOUTHBOUND = 1085

AM PEAK - 72

PM PEAK - 354

659/6 = 110

659 vehicles in 6 hrs

110/150 = 73.3% of Warrant 1

110/750 = 16.2% of Warrant 2

WARRANT 1 MAJOR 28.4
MINOR 23.3
101.7

WARRANT 2 MAJOR 18.9%
MINOR 16.2%
35.1

AVG = 50.8%

AVG = 17.5%

APPLICANTS RESPONSIBILITY = 50.8%

CITY OF KIRKLAND
Planning & Community Development
MEMORANDUM

Date: June 17, 1987

To: Joseph W. Tovar

From: Jeffrey S. Wilson *Jsw*

Subject: DETERMINATION OF WETLAND STATUS FOR THE "KNIGHT"
PROPERTY LOCATED ON THE WEST SIDE OF 113TH AVENUE
N.E. AND SHOWN AS PART OF THE AMENDMENT TO THE
TOTEM SKYLINE BUSINESS PARK, FILE NO. III-87-22

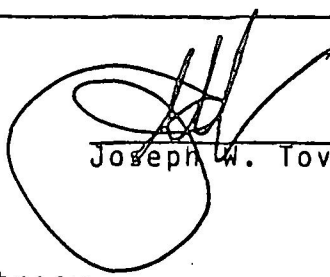
Based on the information provided in the reports prepared by Mr. Rex Van Wormer of Independent Ecological services, dated March 27, 1987, May 11, 1987, and June 10, 1987, it is his opinion that the area in the northwest corner of the "Knight" property (see shaded area) is and will remain a regulated wetland pursuant to Zoning Code Section 90.20.2. Therefore, I recommend that pursuant to Zoning Code Section 90.20.2.c. a final determination be made, establishing the shaded area in the northwest corner of the "Knight" property as a regulated wetland.

Review by Responsible Official:

I concur ✓

I do not concur _____

Comments: _____



Joseph W. Tovar

6/17/87

Date

Attachments

7025C/350A/JW:br:cw

ATTACHMENT 15.e
III-87-22

RECEIVED

MAR 27 1987

To: 11411 NE 124th St.
Kirkland, Washington 98034

From: Rex Van Wormer
Independent Ecological Services
Olympia, Washington 98502

Re: Totem Skyline II
Knight Property wetland evaluation

_____AM _____PM
PLANNING DEPARTMENT

BY: _____

On Wednesday, May 7, 1986, I completed a site visit to the Knight property at the Totem Skyline development, Kirkland, Washington. The area is located on 113th Avenue NE. The property is a small lot, deeper than wide, extending from 113th Avenue NE, back to a natural area. The upper portions of the site support a house, shed and residential amenities. The back or west half of the site is an area that's been tilled for pasture for a number of years, and pastured with goats (photo 1). The hillside slopes north and west away from the house, to a low swale area in the northwest corner of the property (photos 1 and 2). The low swale is split by a property line that is indicated by fence (photo 1). The adjacent property is being pastured and the bottom swale is badly disturbed. The project site has not been pastured for a number of years, allowing the wetland vegetation adjacent to the fence to become established. The wetlands area on the site is approximately 160 feet long along the fence, from east to west (photo 3), and ranges from 10 feet wide at the east end of the area, to approximately 20 feet wide in the northwest corner. There is additional wetland on the adjacent property. The vegetation in the eastern two-thirds of the wetland area is a mix of softrush, (juncus effusus) In this area there is a mix of lady fern, stolaria, velvet grass, forget-me-nots, bedstraw and bentgrass mixed in with the softrush. The middle of the wetland is a small channel that collects surface water drainage. It runs parallel to the fence into the vegetation in the northwest corner of the site (photos 2 and 3). The plant species in the ditch include nodding smartweed, a member of the parsley family, and mannagrass. As the wetland extends west the vegetation changes, becoming a buttercup stand with parsley mixed in (photo 4), with less and less softrush until the corner becomes about 90 percent buttercup (photo 5).

The area directly against the fence (photo 6) is a small drainage ditch that runs along the west edge of the property. It is predominantly parsley with a little softrush (photo 7). On the west side of the fence in the riparian or wooded area, there is skunk cabbage, willow, alder, black cottonwood and a variety of shrubs. In the very corner there is some willow starting to emerge in the buttercup stand. This is an extension of the wooded wetland that is on the adjacent property west of the site. The hill slopes fairly rapidly between the edge of the field and the wooded wetland.

RECEIVED
5-20-86

The entire hillside is a mix of shallow semi-porous soils overlaying a dense hardpan which prevents any percolation; therefore, waters from the hillside run down the hill to collect and stand in the low area. This creates a standing hydraulic situation in the northwest corner that supports wetlands vegetation.

The wetland in this area does not influence any stream. It is an extension of a wooded wetland area that has a mix of alder, willow, osoberry and vine maple as the dominant shrub/tree species.

Wetlands:

The true wetland on the site is a finger of property approximately 1700 sq. feet in size, being no more than between 20-25 feet at the westerly border and extending not more than 10 feet wide at the east on the Knight property. The entire wetland area at the bottom is approximately 100 feet wide at the westerly border, and extends considerably further east on the adjacent property than it does on the Knight property.

Fish and Wildlife:

The only animals or life seen in the wetland on the site were some frogs that were unidentified. However, lack of calling and behavior indicates that they were probably red-legs. There was no evidence of great blue heron or any bird use. The area was completely devoid of any white-washing or tracks. No mammal tracks were seen, however, in all probability, raccoons and skunks, using the wooded area to the west, would hunt up this ditch bank at night, catching frogs or insects that live within the small ditch.

Impacts:

Impacts of filling in the Knight portion of the site would be negligible. The surface waters would be picked up in a pipe and taken off the site. Filling would eliminate about 1700 sq. feet of a wet meadow type wetland habitat dominated by softtrush and buttercup. Wetland functions would not be disrupted. Water picked up from the site in a pipe and discharged off the site would be filtered on the adjacent property and would have ground water recharge on the adjacent property. It is my opinion, in looking at the adjacent land, that it is undevelopable. Therefore, transfer of the water would not impact future developments, and would maintain existing conditions.

Since there is no significant noticable wildlife use there would be no significant wildlife impacts. The drying of the area before construction would cause any mobile organisms (frogs) to move off the site and into the tree cover.

Mitigation:

The area, because of its sloping northwest corner, lends itself to a detention/retention system, if it is required. If it is a

requirement, a system could be designed into the corner that would eliminate any impacts to the wetland, and would probably increase and enhance the biological values without degrading any of the wetlands functions of the area. If a system is not required, and the entire area is filled, the losses associated with filling would be marginal. The riparian border could be extended, but it would probably be designed without a dense riparian border around it to duplicate the sunlit open area wetland that now occurs. This would also create habitat diversity.

Depending on the goals of the neighbors to the north, a consolidated wetland detention system on the two properties could be put together in that corner. This would be a significant enhancement of wetland values in that area. This would also meet prerequisite requirements for future development of that site.

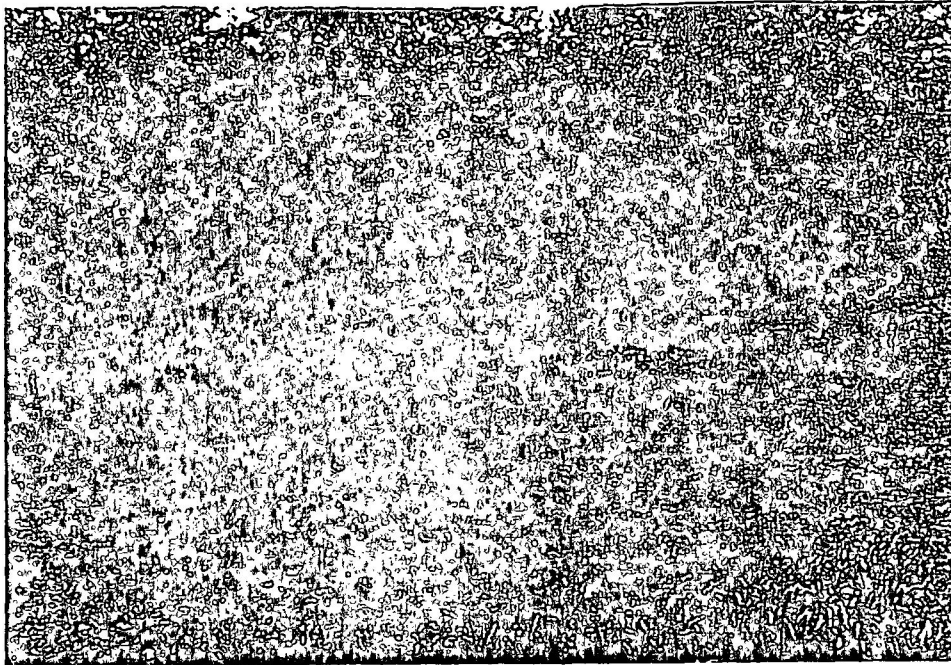


Photo 1: Back slope pasture and small wetlands in NW corner of site.

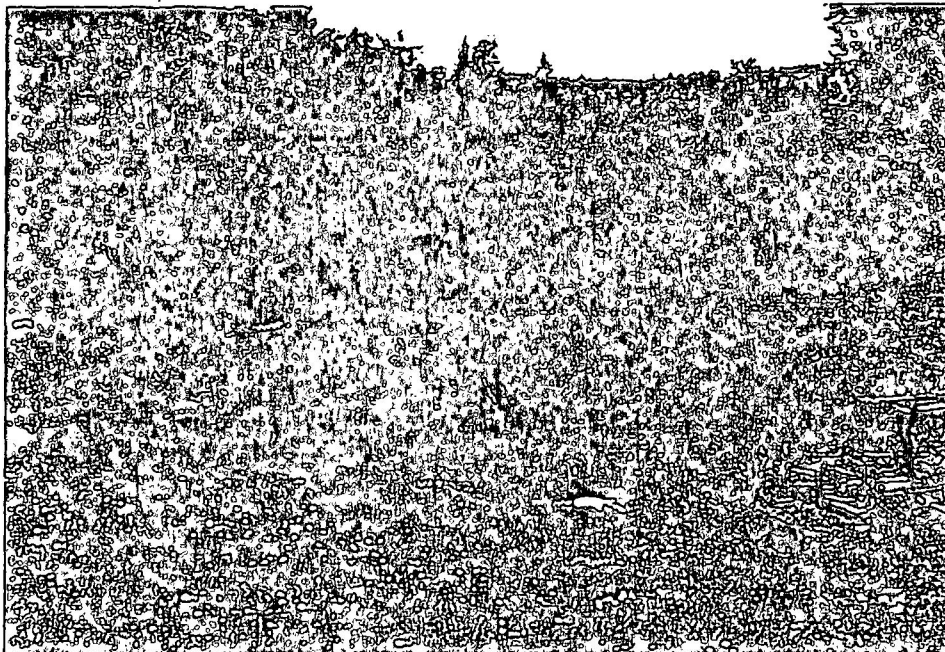


Photo 2: Looking west from driveway of house across entire wetland to the wooded wetland west of the properties.

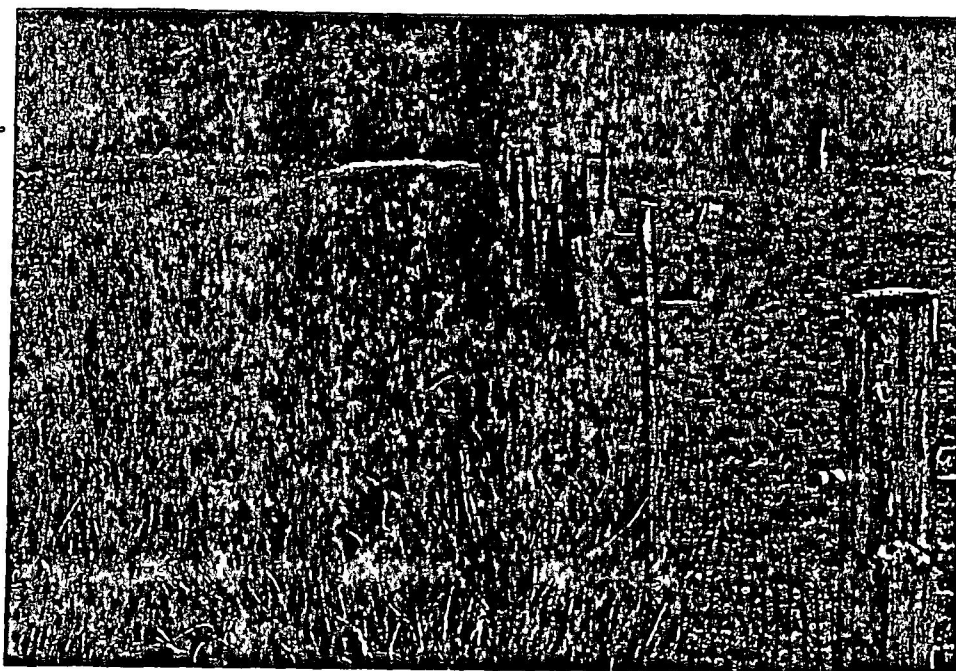


Photo 3: Looking west along the fence
row in the wetland area.
Dominant vegetation: soft rush.

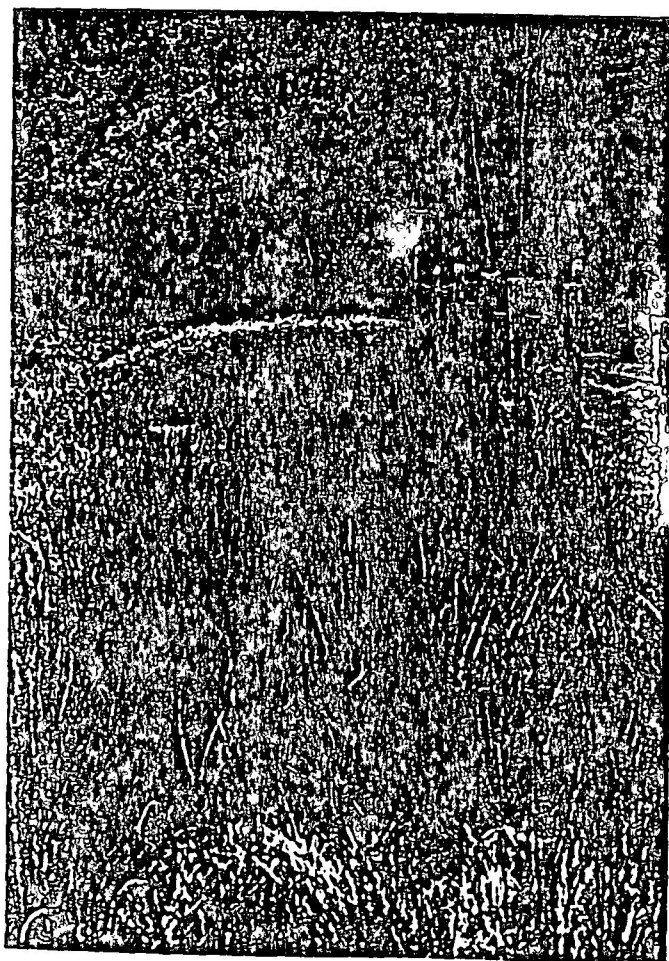


Photo 4: From middle of wetland looking
west: soft rush, bedstraw.
Showing predominance of butter-
cup in the corner.

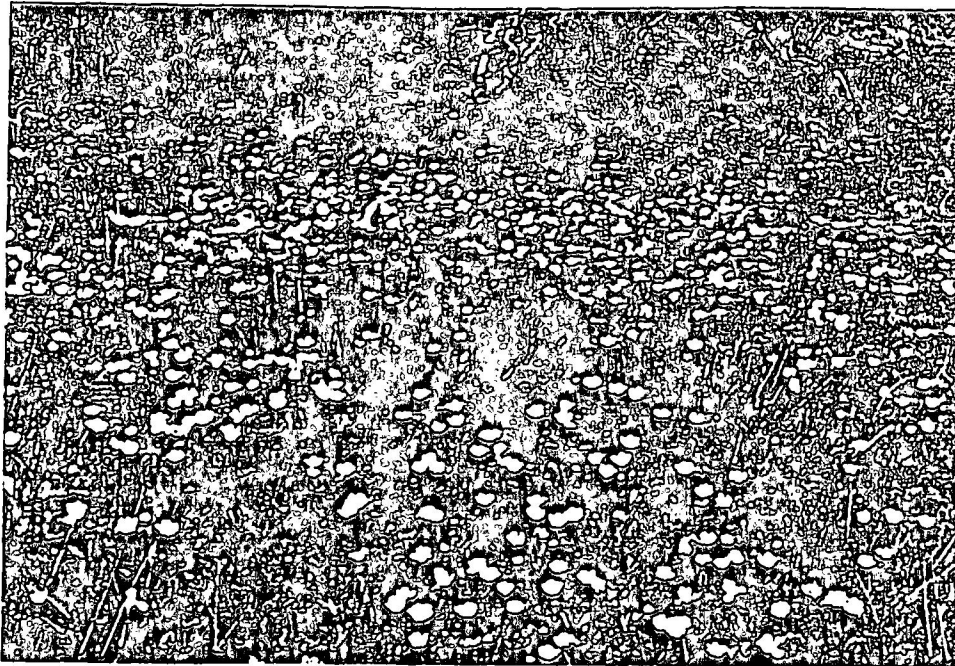


Photo 5: Buttercup. soft rush in foreground. Parsley in background in extreme NW corner of the site.



Photo 6: Parsley along fence row in the ditch in the NW corner of the site.

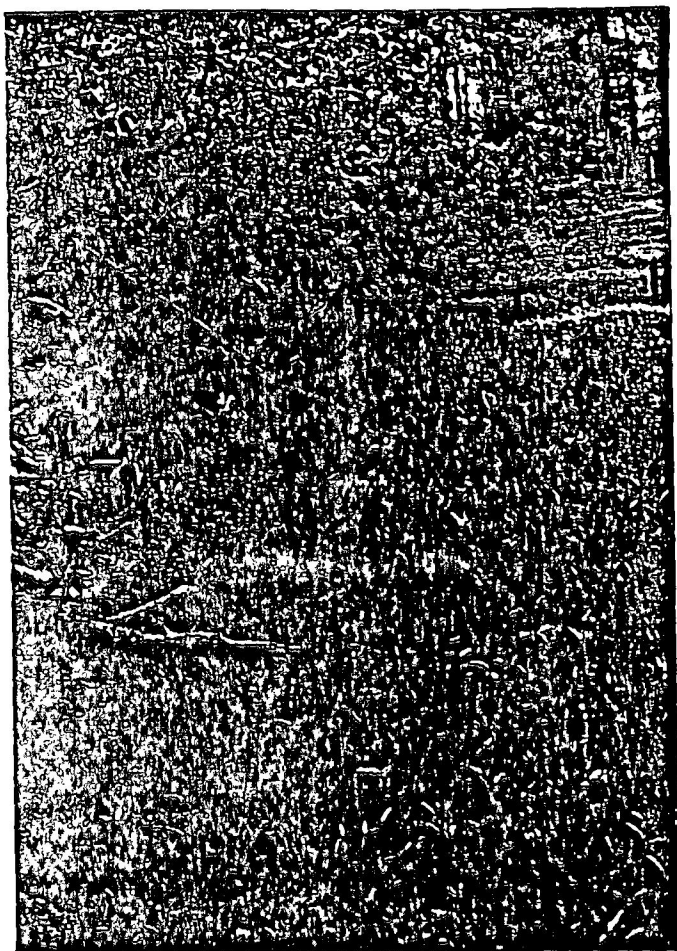


Photo 7: Looking north along west property line showing interaction of the wooded wetland, small ditch and pastured hillside.

INDEPENDENT ECOLOGICAL SERVICES

1514 Muirhead
Olympia, WA 98502

Ph: 943-0127

11 May 1987

RECEIVED

MAY 12 1987

✓ AM PM
PLANNING DEPARTMENTBY ph

TO : Jeff Wilson
City Planner
City of Kirkland
Kirkland, Washington

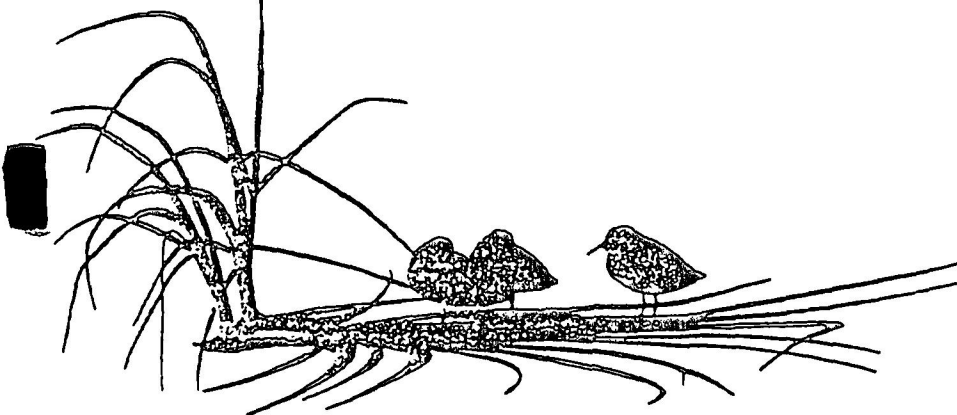
SUBJECT : Knight properties - Peter Henning.

Dear Jeff:

Last week, in a telephone conversation, you asked me if the wetlands located adjacent to the fence line on the Knight and Rizmondo properties was a functional wetland under Kirkland's definition. My initial response was that yes, I believed it was. However, since reviewing your ordinances and the definition of a functional wetland and the design plans and surface water runoff directions for the water that normally fed this wetland, I have come to the conclusion that the area now no longer acts as a functional wetland.

Left alone, with the stoppage of surface water coming from under the adjacent road, most of this area will dry up. The only area which has the potential to remain intact is that area in the low spot at the extreme west end of the fencerow adjacent to and associated with the Chausse wetlands. Because of the gradient and the change in elevation, flood levels in the Chausse wetlands will not back into the fencerow wetland more than a short distance (to approximately elevation 145.0). That distance is reflected by the widening of the wetland closest to the swamp and the change in vegetative composition from buttercup and softrush to a mix of softrush, sedge and water parsley (Figure 1). The swale east of this area is no longer functioning as a wetland and are no longer interrelated with the Chausse swamp.

Biologically speaking, until the area dries out along the fencerow and the upland vegetation takes over, the area will continue to be a buttercup/softrush ditch. However, in time, it will dry up and the native grasses and probably Himalayan blackberry will encroach and take over the fencerow down to the

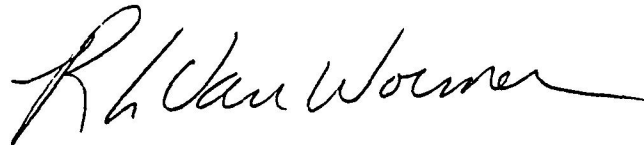


46
area where periodic inundation from the swamp keeps the area wet. Although the area adjacent to Chausse swamp will technically remain a wetland, it will probably have intrusions of Himalayan blackberry and reed canarygrass up to the edge of the swamp.

I apologize for the erroneous determination prior to our telephone conversation, however at that time I was unaware that the surface water drainage had been diverted and was no longer flooding the existing ditches and fencerow.



As stated, biologically, the area will continue to be a wetland of some type until the invader species have had an opportunity to encroach and crowd out the remnant wetland plants which are presently growing along the fencerow. However, under your ordinance it no longer is a functional wetland.

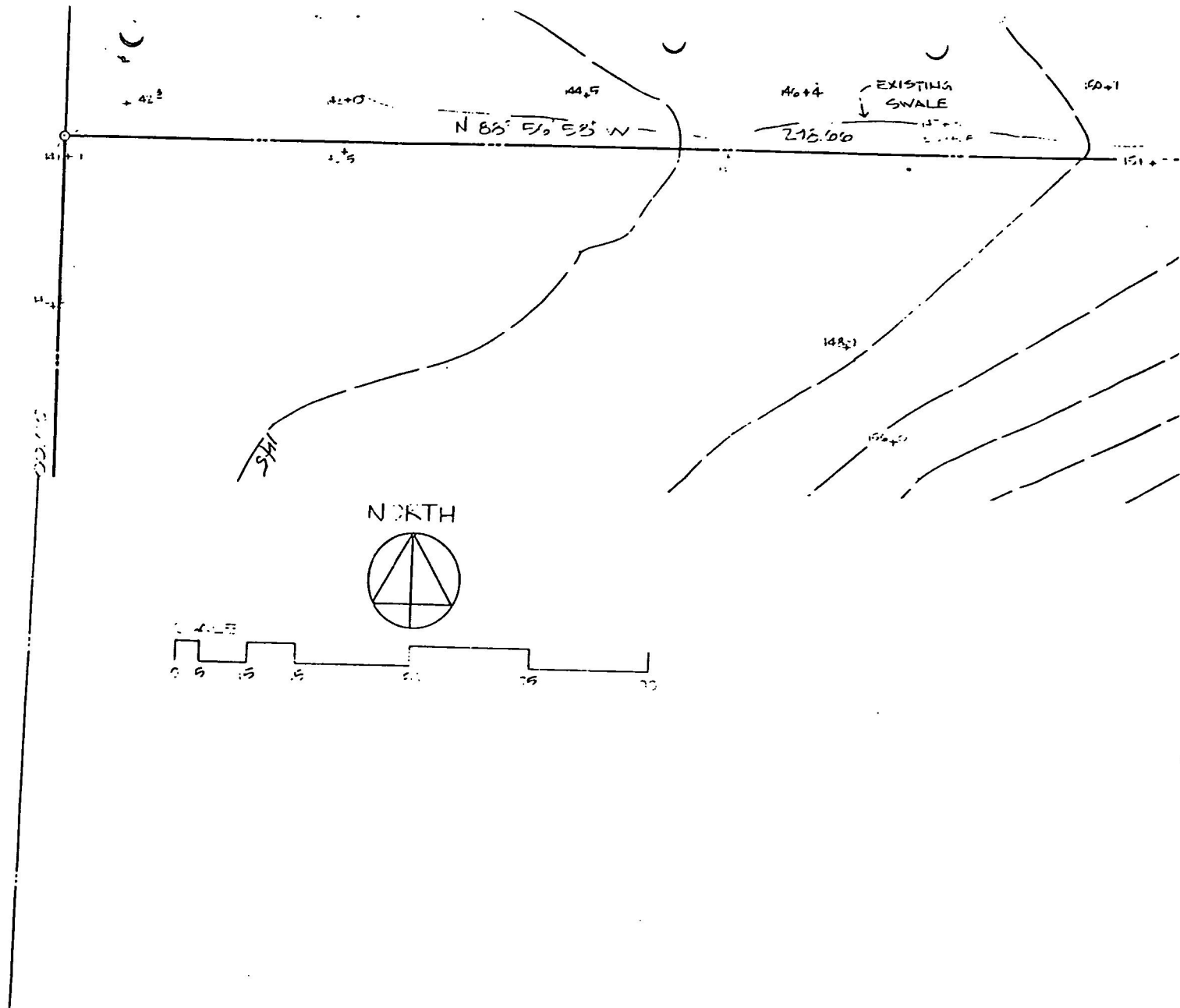
Sincerely,



Rex Van Wormer
Senior Biologist
Independent Ecological Services

RLV/wnp

	6141 N.E. BOTHELL WAY SEATTLE, WASH. 98155 PHONE: (206) 485-9711		PROFESSIONAL CE 	SCALE HORIZ. --- VERT. --- DATE --- F.B. NO. --- DWN BY --- CHKD BY ---
	ENGINEERS — SURVEYORS			



INDEPENDENT ECOLOGICAL SERVICES

1514 Muirhead
Olympia, WA 98502

Ph: 943-0127

PLANNING DEPARTMENT
AM

JUN 14 1987

RECEIVED

10 June 1987

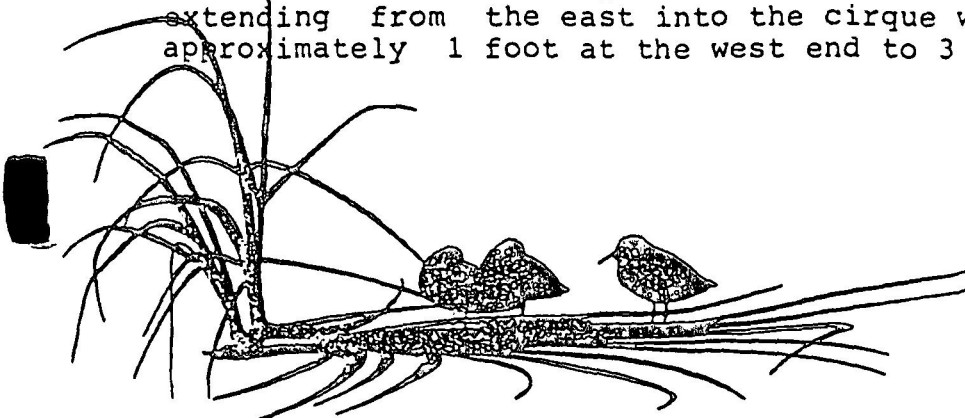
TO : Mr. Jeffrey S. Wilson
City of Kirkland
Planning and Community Development Department
123 Fifth Avenue
Kirkland, Washington 98033-6189

SUBJECT : Knight property wetland determination.

Dear Jeff:

Per our discussion Tuesday, June 9, 1987, I am submitting this letter as a revision of the original letter identifying the boundary of significant wetlands on the Totem Lake development adjacent to the Shausse wetlands off 124th Street. In our original evaluation I used a provided topographic map to indicate the area of significant wetlands on the Knight property as determined by that portion of the property influenced by water levels and hydrologic activities in the Shausse wetlands. In discussions with Mike Egger and Peter Henning, it became apparent that the topographic maps supplied to me were no longer accurate. The land at the back of the Knight property has been graded to modify the pasture. At the time of grading, the 145 foot elevation line was significantly changed. The fill and the change in 145 foot elevation also changed the extent of water influence by the Shausse wetland and therefore the change in the wetlands vegetative composition of the site.

On June 9, 1987, we walked the area with Mike Egger, West America Associates and staked the uppermost boundary of the wetland that is influenced by the Shausse wetland. This boundary was determined by soils type, vegetative characteristics and elevation. The wetland that is influenced is a flat bottom cirque, extending east from the Shausse wetland. Soils at the bottom of this cirque are peaty, extending to some peat/muck/loamy soils at the upper edges. The cirque bottom is relatively flat throughout its extent. The drainage ditch extending from the east into the cirque wetland is higher by approximately 1 foot at the west end to 3 foot at the east end.

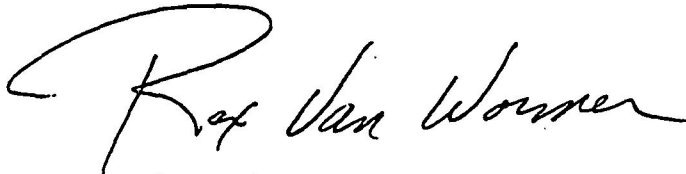


June 10, 1987
Jeffrey S. Wilson

At the east end of the cirque, the soil changes from a peat to a heavier loam. At the same time, vegetation changes from a mix of buttercups, water parsley and some sedges to a predominantly soft rush area. New vegetation extending into the soft rush area, since the diversion of the surface water runoff from the road to the east, has changed from predominantly wetland or facultative wetland species to species which are facultative or upland in nature. Dominant upland invaders are clovers, creeping red fescue and timothy grasses, as well as thistle and dandelion.

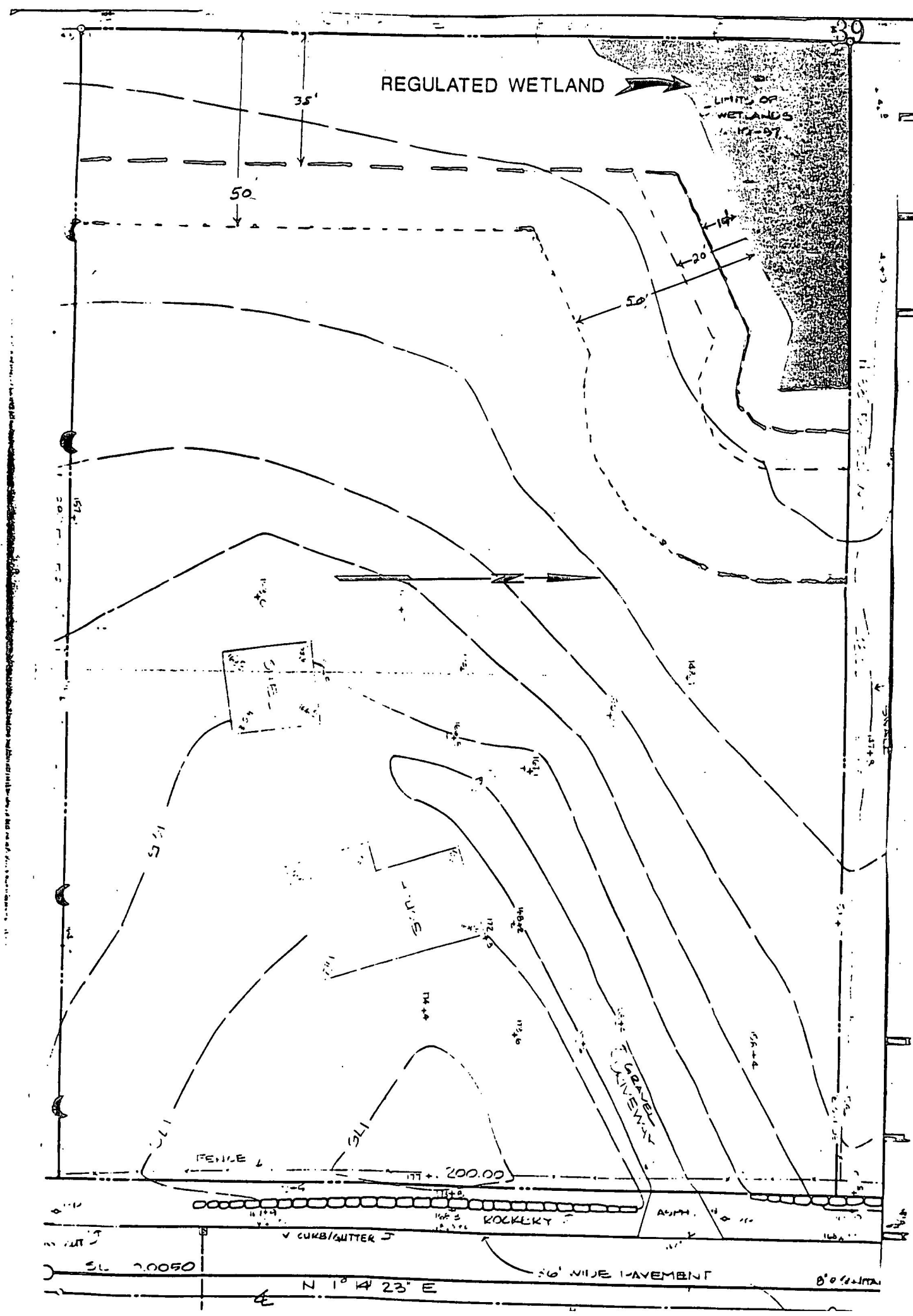
As stated earlier, the upper boundary of the wetland was staked and flagged for survey. West America Associates is having this line surveyed and it will be submitted to you under separate cover. The survey line indicates my delineation of the upper extent of that property which is influenced directly by water fluctuations in the Shausse wetlands.

Sincerely,



R.L. Van Wormer
Independent Ecological Services

RLV/wnp



ANDREA BEATTY RINIKER
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504-8711 • (206) 459-6000

RECEIVED

JUL 2 1987

AM PM
PLANNING DEPARTMENT

BY

June 30, 1987

Mr. Joseph Tovar
City of Kirkland
123 - 5th Avenue
Kirkland, WA 98033

Dear Mr. Tovar:

Thank you for the opportunity to comment on the determination of nonsignificance for the Totem Skyline Business Park Master Plan Amendment. We reviewed the environmental checklist and have the following comments.

The Department of Ecology supports the requirements of retaining the wetland area in its natural state with a 50 foot buffer. Impacts of stormwater discharge to the wetlands need to be addressed. All runoff should be detained in a basin or filtered through grass-lined swales prior to discharge in the wetland. An oil/water separator should be used to filter all runoff from roads and parking areas.

If you have any questions, please call Mr. Andy McMillan of the Shorelands Program at (206) 459-6774.

Sincerely,

Barbara J. Ritchie
Environmental Review Section

BJR:

cc: Andy McMillan

ATTACHMENT 15.f
III-87-22

O-2952 (a. The gross floor area of the use is expanded
O-2848 (by less than 10%; and

(b. The Planning Director determines that the
O-2848 (change or alteration will not have signifi-
(cantly more or different impact on the
(surrounding area than does the present
(development.

4. Non-Conforming Parking

O-2848 If there are fewer parking spaces for the uses
(conducted on the subject property than are re-
(quired under this Code, these additional required
(number of spaces must be provided if the appli-
(cant is going to change the use conducted on the
(subject property and the new use requires more
(parking spaces than the former use.

5. Non-Conforming Signs

- O-2848
- (a. All non-conforming signs are defined as
(either major non-conforming signs or
(minor non-conforming signs.
(
 - (1) Major non-conforming signs include
(the following:
(
 - (a) Any pole sign associated with
(a pole which is not entitled
(to sign category F.
(
 - (b) Any pole sign or monument
(sign which exceeds 20 feet in
(height above average ground
(elevation.
(
 - (c) Any sign attached to the
(building and which extends
(above the building roofline.
(
 - (d) Any projecting sign except
(those allowed by Section
(100.115.
(
 - (e) Any sign listed as a pro-
(hibited device by Section
(100.85.
(
 - (f) Any sign which has exposed
(structural supporting ele-
(ments such as angle irons,
(guy wires and braces.
(

MAY 1986 (Ordinance 2952)
JANUARY 1985 (Ordinance 2848)

ATTACHMENT 16
III-87-22

g) Any sign located off-site which does not meet the provisions of Section 100.75.

2) Minor non-conforming signs are those, other than listed above in Paragraph 1, which violate any provision of the Zoning Code.

b. Non-conforming signs must be brought into conformance as specified below:

1) Notwithstanding the provisions of Section 162.30, any major non-conforming sign must be brought into conformance if:

a) Structural alteration is made to the sign; or

b) The color, design, lettering or shape of the sign is altered. Change in temporary message on a readerboard is excluded from this requirement; or

c) Structural alteration or an increase in the gross floor area is made to any structure that houses or supports the use that has the major nonconforming sign.

2) Notwithstanding the provisions of Section 162.30, any minor non-conforming sign must be brought into complete conformance when either:

a) The fair market value of any nonstructural alteration (such as color, design) of the sign exceeds 35% of the replacement value of that sign (change in temporary message on a readerboard is excluded from this requirement); or

b) Structural alternation is made to the sign. In such event, the applicant must sign and record a concomitant agreement to run as a covenant with the property, in a form acceptable to the City Attorney. Said agreement shall describe the minor non-conforming elements involved and state that they will be brought into

0-2848

this Code, immediately abate any non-conformance that was illegal when initiated.

2. Exceptions - If a non-conformance has ever been in complete conformance with an applicable zoning code it may continue to exist subject to the provisions of this Chapter, and it is not subject to abatement under Paragraph 1 of this Section.

162.25 Immediate Compliance With Certain Provisions Required

1. General - Regardless of any other provision of this Chapter, the following non-conformances must be immediately brought into conformance with the applicable provisions of this Code:
 - a. Non-conformance with the Noise Standards in Chapter 115.
 - b. Non-conformance with the Lighting Standards in Chapter 115.
 - c. Non-conformance with the Heat Emission Standards in Chapter 115.
 - d. Non-conformance with the Radiation Standards in Chapter 115.
 - e. Non-conformance with the Air Quality Standards in Chapter 115.
 - f. Non-conformance with the Water Quality Standards in Chapter 115.
 - g. Non-conformance with the Odor Standards in Chapter 115.
 - h. Non-conformance with the provisions in Chapter 115 regarding Parking and Storage of large vehicles in residential zones.
 - i. Non-conformance with the provisions in Chapter 115 regarding junk in residential zones.
 - j. Non-conformance with the Glare Standards in Chapter 115.
 - (k. Non-conformance with the provision of Section 100.85.1.i of this Code regarding portable outdoor signs.
 - (l. Non-conformance with the provision of Section 100.75.1 regarding location of signs

0-2848

ATTACHMENT 17
III-87-22

as it relates to pole signs extending over rights-of-way.

0-2848 { m. Any other non-conformance if the Planning Director concludes that the public interest in abating the non-conformance outweighs the detriment or loss to the owner or occupant of the property, and either:

1) Immediate abatement is necessary to fulfill a specific adopted policy of the City; or

2) The non-conformance is causing distinct and identifiable harm to adjacent property, the neighborhood in which it exists, or the City as a whole.

2. Abatement - The City may immediately abate any Non-conformance listed in Section 162.25.1 using the provisions of Sections 170.25 through 170.40 of this Code, or any other abatement process lawfully available to the City.

162.30 Special Provision for Damaged Improvements

1. If a non-conforming improvement is damaged by sudden, accidental cause and the damage does not exceed 50% of the assessed or appraised value of that improvement, whichever is greater, the applicant may reconstruct that improvement. The reconstructed improvement may not be more non-conforming than it was immediately prior to the damage. A Building Permit to rebuild the non-conforming improvement must be applied for within 6 months or the nonconformance shall be considered to be terminated and shall not be resumed.

0-2848 2. (If the damage exceeds 50% of the assessed or appraised value of the improvement, whichever is greater, the improvement, the use conducted in or on the improvement, and other site improvements that support the damaged improvement must conform to this Code.

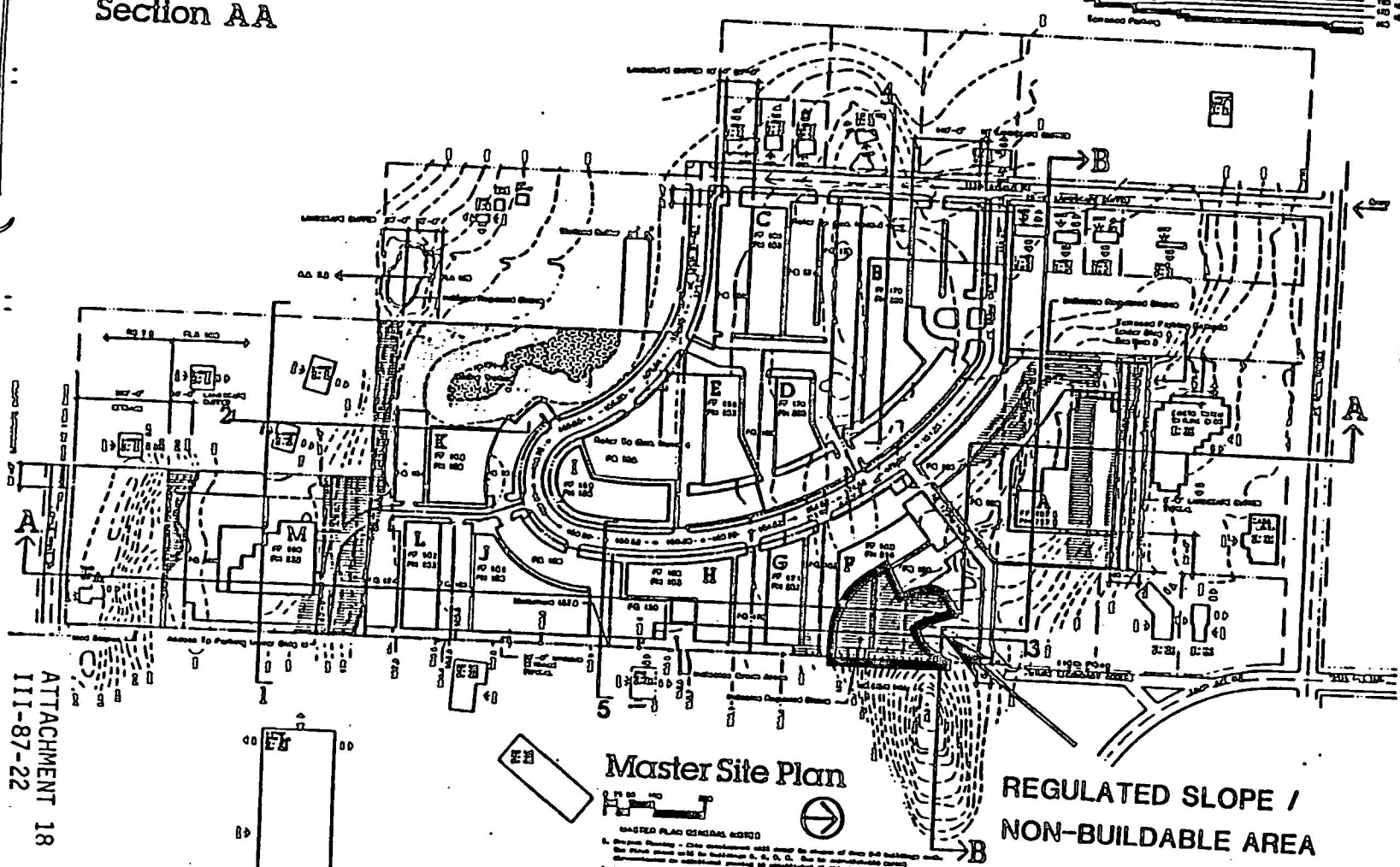
(3. The provisions of paragraphs 1 and 2 of this section are superceded by any specific provision of Section 162.35.

162.35 Certain Non-Conformances Specifically Regulated

1. General - Paragraphs 2 through 8 of this Section specify when and under what circumstances certain

Section AA

Section BB



Master Site Plan

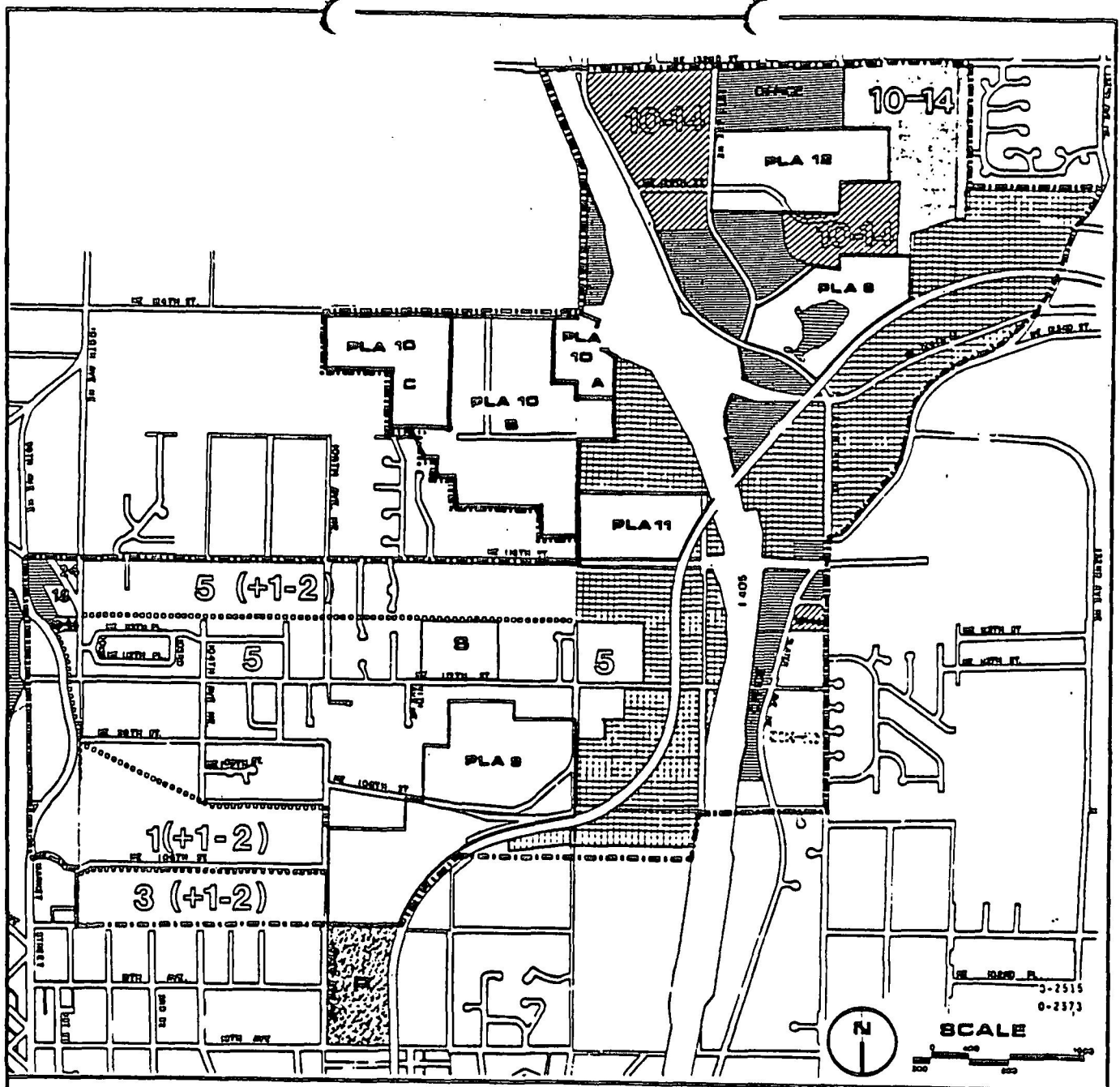


MASTER PLAN GENERAL NOTES

1. General Notes - This document shall apply to all buildings and parking areas shown on this plan. The owner shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
2. Other Notes - The owner shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
3. Notes on the plan - The owner shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
4. Notes on the plan - The owner shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
5. Notes on the plan - The owner shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
6. Notes on the plan - The owner shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
7. Notes on the plan - The owner shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
8. Notes on the plan - The owner shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
9. Notes on the plan - The owner shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
10. Notes on the plan - The owner shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

ATTACHMENT 18
111-87-22

TOTEM SIEMLINE
BUSINESS PARK



LEGEND



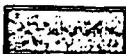
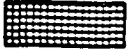
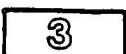





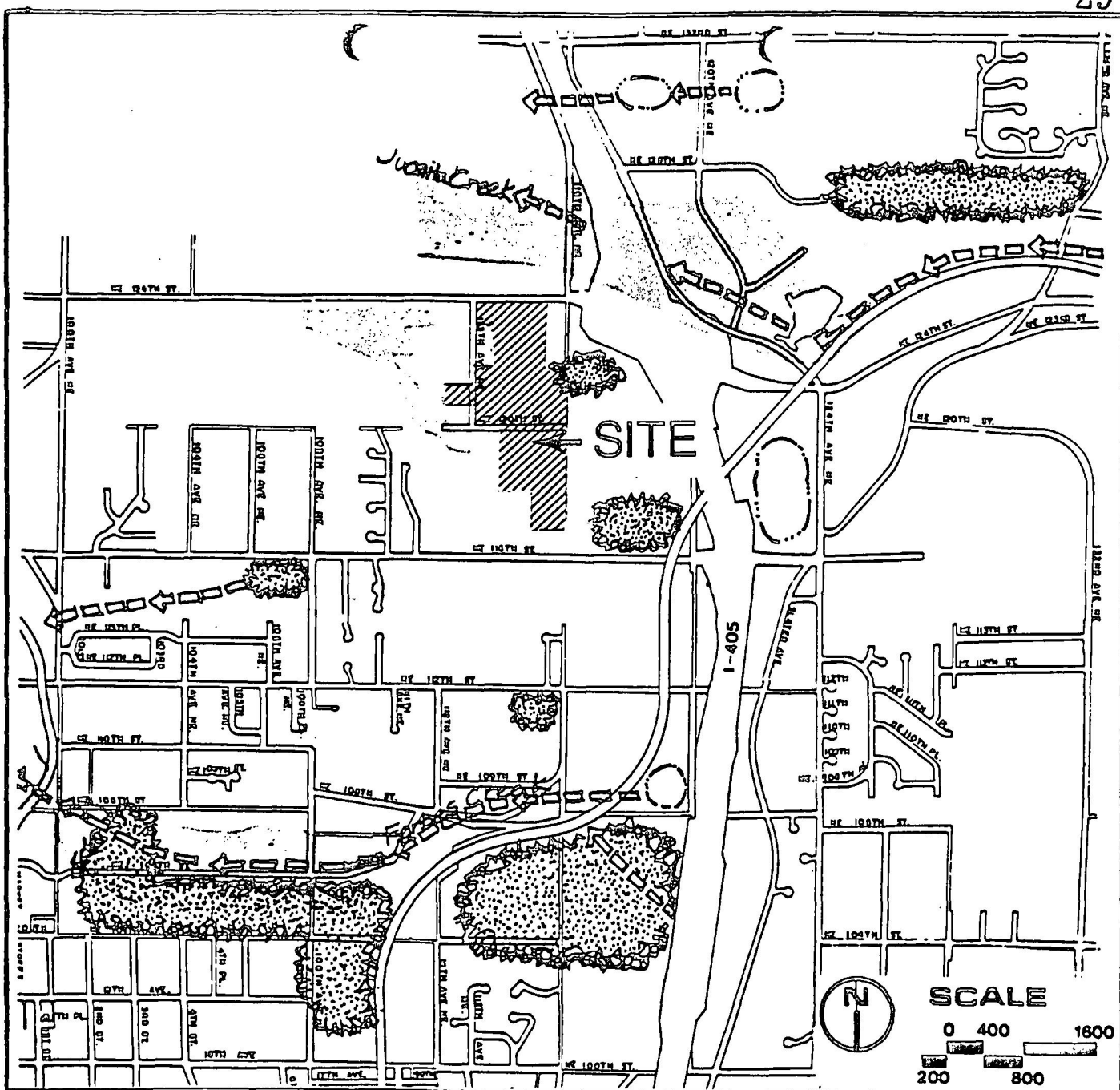
	Low Density Residential		Commercial
	Medium and High Density Residential		Industrial
	Maximum Density (in dwelling units/acre)		Schools
	Office/Multi-Family		Parks
	Planned Area		Bodies of Water

FIGURE
39

JUANITA/PAR MAC/TOTEM LAKE LAND USE

355

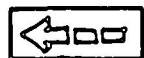
ATTACHMENT 19
III-87-22



LEGEND



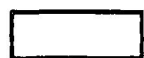
Significant Woodland



Stream



Flood Hazard Zone



Wetland Areas (Including areas with uneven settlement and surface water table)

ATTACHMENT 20
III-87-22

FIGURE

41

JUANITA / PAR MAC / TOTEM LAKE NATURAL ELEMENTS

WETLAND / WOODLAND

357

JUANITA/PAR MAC/TOTEM LAKE PAR MAC AREA

Totem Lake area. The hill represents a valuable urban design asset to the community, particularly due to its prominent location and visibility from both I-405 and virtually the entire Totem Lake and upper Juanita areas. (See Policy 1, Natural Element Policy 2).

Development of Planned Area 10A should be subject to the following standards:

Standards are listed for development of Planned Area 10A.

- (1) Development should preserve the hill form and maintain much of the wooded cover. Additional vegetative cover may be required to enhance the hill feature.
- (2). Access should be from 120th Avenue N.E., where possible, or if necessary, N.E. 124th Street. Development may modify the hill mass and slope only to allow reasonable private access through the property to all or part of Subarea 10B; provided that (a) no significant adverse traffic impacts result, (b) that the access road orient westwardly around the hill from and (c) that if adjacent land in Planned Area 10B is available then this shall be utilized to further preserve the hill form.

Subarea 10B:

Natural features of Planned Area 10B are described.

This subarea extends to the west and south of Planned Area 10A (see figure 39). Prominent physical features include the western slope of the hill in Planned Area 10A, (see preceding discussion) a heavily vegetated and potentially unstable slope forming much of the southern boundary of the subarea, and a small wetland. The vegetated slope provides a natural and extensive buffer to the established single-family neighborhood to the

ATTACHMENT 21
III-87-22

JUANITA/PAR MAC/TOTEM LAKE PAR MAC AREA

Present land use is discussed.

Residential development is not appropriate.

Office and business park uses are desirable.

south. The wetland is the eastern most extension of a major wetland associated with Juanita Creek. However, the majority of the wetland lies in Subarea C.

Present land use within Subarea B includes limited agricultural uses (grazing), some single-family houses, offices, and a church. Much of the area is vacant or fallow. Access to this area is from N.E. 124th Street via 113th Avenue N.E. and N.E. 120th Street. Currently, utility service to this area is inadequate as is the existing road system.

Residential development in this area could not be adequately separated from adjacent industrial and commercial uses. Residential development also would compound the already major traffic congestion on N.E. 124th Street and the I-405 Interchange by adding to the peak hour traffic flow in the direction of peak flow. In addition, residential development could involve utilization of the significant natural features and therefore jeopardize their preservation.

Office or business park uses located in the area could cluster development away from the steep slopes and wetland, thus insuring their preservation, while providing for a reasonable use of the land. Current uses to the east and in part to the north include offices, light industrial, and retail uses which are complementary to office and business park uses. In addition, development of business park uses adjacent to a freeway interchange best utilizes the existing road network and provides a reverse commute situation whereby extra capacity on N.E. 124th Street is utilized.

JUANITA/PAR MAC/TOTEM LAKE

PAR MAC AREA

Master Plan for development is encouraged.

Standards are listed for development of Planned Area 10B.

In order to best assure preservation of the natural features and protection of adjacent residential uses, while providing a coordinated plan for development and provision of utilities and roadways, development of Planned Area 10B should be subject to the following standards:

- (1) Development of the entire area, or a major portion, should be consistent with an approved master plan. Such a plan should designate building placement, utility provision, roadway network, use types (within the master plan area), building bulk, open space, natural feature preservation and access to parcels which are outside of the scope of the master plan. Without a master plan, permitted uses, access points, building bulk, and building placement should be limited.
- (2) Development should preserve the hill form which extends from PLA 10A and maintain much of the wooded cover. Additional vegetative cover may be required to enhance the hill form. Access between PLA 10A and PLA 10B will be permitted. (See Planned Area 10A discussion.) The extent of PLA 10B that may utilize access through PLA 10A will be determined by the City through the appropriate review process.
- (3) The heavily vegetated and potentially unstable slope in the southern portion of the subarea should be preserved to provide a vegetated and topographic buffer to the single-family neighborhood to the south.

JUANITA/PAR MAC/TOTEM LAKE PAR MAC AREA

- (4) The significant wetland should be preserved. Development should be precluded within and immediately adjacent to the wetland.
- (5) Primary access to Subarea B should be from N.E. 124th Street at only one access point. If necessary to provide for the smooth flow of traffic, signalization of this point of access or other measures may be required to mitigate the impacts of development. Secondary access to 120th Avenue N.E., through the use of the existing private road to the east, is desirable. Every reasonable opportunity should be used to secure access to 120th Avenue N.E. Improvements to the private road and the intersection of this road and 120th Avenue N.E. may be necessary. Access to N.E. 116th Street adjacent to PLA 11 may be permitted if access to 120th Avenue N.E. is not available at the time of master plan approval and if traffic circulation in the vicinity will adequately function, traffic impacts can be mitigated and impacts to adjacent residential uses can be minimized.
- (6) Direct access to Subarea C, if possible, should be provided. However, such access should be precluded if it would involve development on the slope or in the identified wetland.
- (7) Where adjacent to residential uses development should include appropriate setbacks and visual screening.

APPROXIMATE LOCATION
OF NON-CONFORMING
BILLBOARD SIGN

EXPANSION
AREA

FC I

BC

RS
7.2

C

PLA 10

A

LI
EXISTING
BUSINESS
PARK

FC I

RS 7.2

PLA II

RS 8.5

LI

RS 8.5 &
PUD A.G. Bell
Alexander Graham Bell
Elementary School

LI

Section B B

Section AA

50 FT. GREENBELT
REQUIRED WITH
FILE NO.
III-85-78

PROPOSED
50 FT. GREENBELT

Master Site Plan



- [illegible]

CITY OF KIRKLAND
Department of Public Works
MEMORANDUM

To: Jeff Wilson

From: Fred French

Date: July 9, 1987

Subject: Totem Skyline Storm Drainage

The conceptual design for storm drainage on the Knight property (12029 113th Ave. N.E.) as submitted by Alan Aramaki on 6/24/87, appears to be adequate for this level of consideration. More detailed plans will be necessary for construction.

The storm retention system for the entire business park is designed to regulate the discharge into the adjacent wetland.

It is appropriate to use this facility to manage storm water for this parcel as well.

pj

RECEIVED

MAR 5 1987

AM
PLANNING DEPARTMENT
PM

BY

TOTEM SKYLINE
BUSINESS PARK
PHOTOMOUNT ADJUSTED

Drawing Contains
BUILDING & P
SITE PLAN

HOBBS
ARCHITECTURE
GROUP

100 NORTH AVENUE, SUITE 100, CHICAGO, ILLINOIS 60602

Phone Number 439
Date 08 FEB 1987

100 NORTH AVENUE, SUITE 100, CHICAGO, ILLINOIS 60602

Drawing Number
SP.1

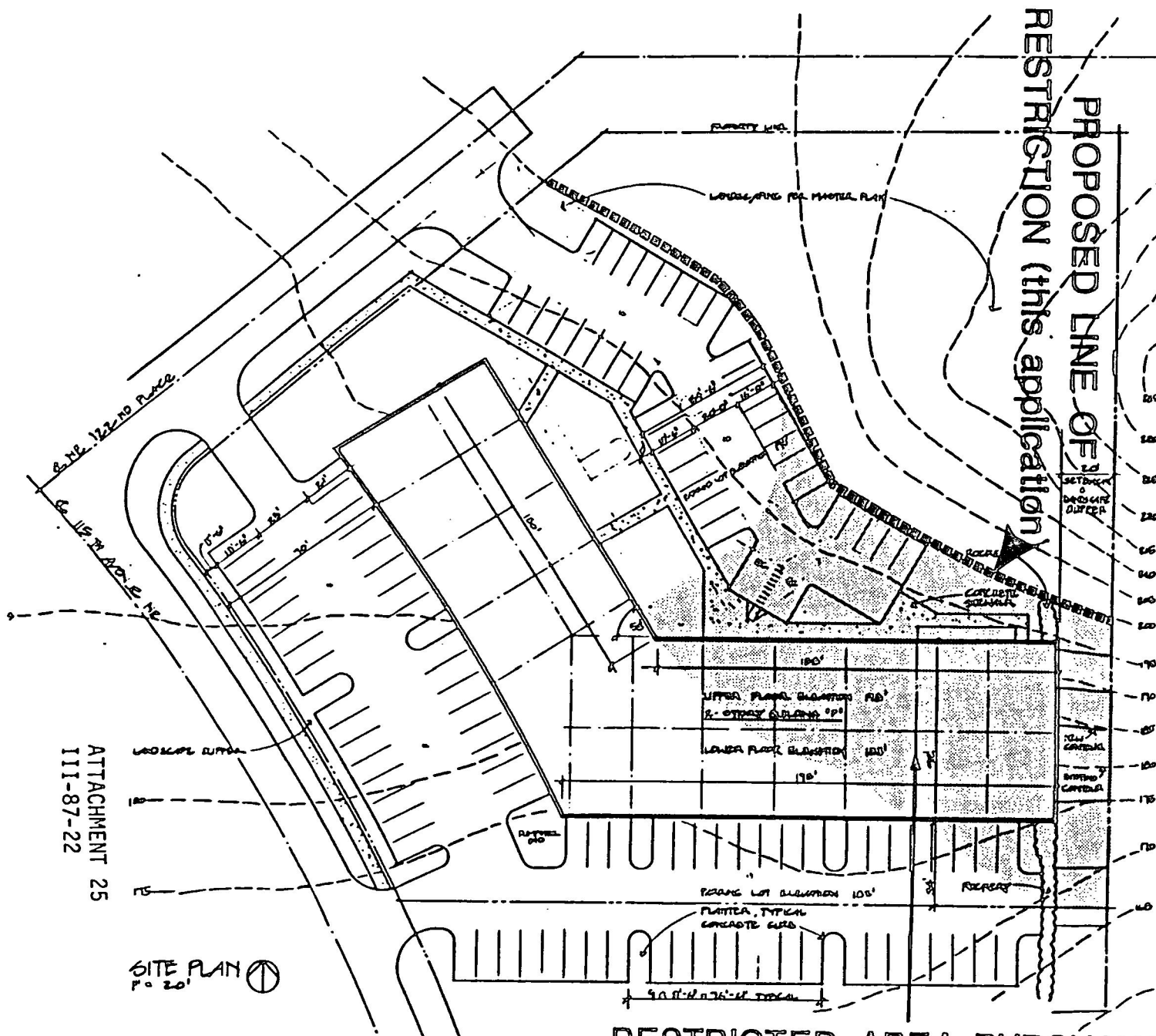
SITE DATA

AREA: 5.647 ACRES
74,500 SQ FT
GAP: 40,000
COVERAGE: 53,000
BUILDING 27,700
PARKING 3,100
TOTAL 53,000
% 71

REMARKS:
NO 02 FT 02,000 02,000
OFFICE 11 11
MPO 02,000 02 02
TOTAL 100 100

NOTE: 07 ACRES ADDED ON
THIS SITE REMAINING
SPACE IS PROVIDED
ON SITE "A".

PROPOSED LINE OF
RESTRICTION (this application)



RESTRICTED AREA PURSUANT
TO FILE NO. II-85-78

ATTACHMENT 25
III-87-22

SITE PLAN
P. 20

Exhibits

File No. III-87-22

- A. Staff Advisory Report (7/9/87)
- B. Letter from Roger Decker (6/23/87)
- C.1 Photo of Existing Skyline Buildings
- C.2 Photo of Existing Skyline Buildings
- C.3 Photo of Existing Skyline Buildings
- D. Slides of Skyline Project (see file)
- E. Letter from Mary Catherine Yeagley (7/16/87)
- F. Memo from Larry Yeagley (7/16/87)
- G. Letter from Peter Henning; re: Design Review of Building: C-E (11/17/86)
- H.1 Photo of Rismondo Property
- H.2 Photo of Rismondo Property
- H.3 Photo of Rismondo Property
- I. Transparency of pages 23 and 24 of original T.D.A. Traffic, submitted by Mr. Yeagley
- J. Letter from Washington State Department of Transportation (7/13/87)
- K. Letter from Ms. Catherine S. Harrington (7/20/87)
- L. Memo from Eric Shields (7/22/87)
- M. Letter from Wayne and Peggy Siscoe (7/23/87)
- N. Letter from Alan Aramaki to Peter Henning; regarding Chaussee Wetlands (7/23/87)
- O. Letter from Ms. Flores (7/16/87)
- P. Transparency of site plan from File No. III-85-78
- Q. Letter from Mr. Yeagley (7/23/87)
- R. Definition of "Minimize" from Webster's - Second College Edition of the New World Dictionary of the American Language
- S. Definition of "Predominant" from Webster's - Second College Edition of the New World Dictionary of the American Language
- T. Slides of "Chaussee" Wetland (Taken 7/22/87) (see file)
- U. Transparency of Mr. Chaussee's Property Tax Statement (1988)
- V. Letter from Mrs. Yeagley (7/23/87)
- W. Revision to Recommendation No. 6
- X. Letter from Ralph Thomas, City Attorney, to the Planning Commission (8/27/87)
- Y. Letter from David O. Fields to the Planning Commission (7/27/87)
- Z. Material from David Fields

7445C/350A/JW:rk:np:cw

LAW OFFICES OF
BOYD & DECKER, P.S., INC.
909 HONEYWELL CENTER
600 - 108TH AVE. N.E.

BELLEVUE, WASHINGTON 98004

(206) 455-3010

ROGER L. DECKER

R. EUGENE BOYD
OF COUNSEL

June 23, 1987

City of Kirkland
Planning Department
Attention: Mr. Jeff Wilson
123 Fifth Avenue
Kirkland, Washington 98033

RECEIVED

JUN 25 1987

AM PM
PLANNING DEPARTMENT

BY. *[Signature]*

Re: Docket No. III-87-22

Gentlemen:

This office represents Mr. and Mrs. Oskar Rismondo residing at 12059 - 113th Ave. N.E., Kirkland, Washington. Our clients have received notification of the request by Henning under the above docket number for certain variances associated with the development of the Henning property. Our clients are extremely concerned over the request in question.

Several years ago when the area in question was being annexed to Kirkland, commencing on a Thursday afternoon over the weekend before annexation, the northwest corner of the Henning property consisting of a marshy wetland area was filled with dirt. It is our understanding that that filling occurred without a fill permit. It is also our understanding that although objections were made by our clients to the City of Kirkland, the City of Kirkland has never seen fit to require that the dirt in question be removed. The result of that filling is that that portion of the Henning property that used to be and still is a partial wetland at its northeast corner is now approximately two or three feet higher in elevation than the southwest corner of our clients' property which is still a marsh and wetland. In fact, this spring, our clients tried to measure the amount of water on their property as compared to prior years. In our clients' opinion, this spring, there was six inches more water on our clients' property than had existed in prior years before the filling occurred on the Henning property. Our clients resent and feel the City of Kirkland is responsible for the additional water that is now on our clients' property.

EXHIBIT B

III-87-22

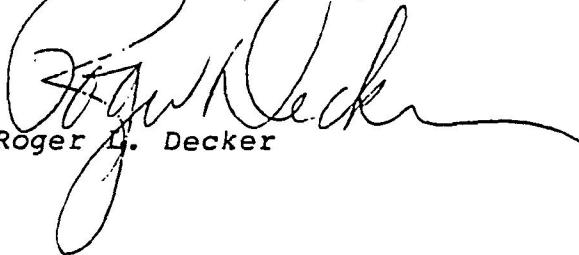
City of Kirkland
June 23, 1987
Page 2

Further, we understand that Henning has requested a modification from the 50-foot setback on the west side of the property to a 30-foot setback. If that setback is granted, then the building that will be built together with the asphalt parking surface will extend to the west further than is customarily required by the zoning regulations for the property in question resulting in less natural soil being available to help absorb the water that will be flowing from the asphalt parking lot and building. We understand that Henning has proposed that a pipe be installed at the northwest corner of his property extending to the west to dump the new water upon the property owner to the west. When our clients have discussed this matter with that property owner, that property owner has indicated to our clients that he has given no permission of any kind whatsoever to Henning or anyone else to dump additional water on his property.

Please be advised, therefore, that our clients oppose any modification which would reduce the western setback on the Henning property. Our clients also oppose any capturing of any water by downspouts, storm sewers, asphalt parking lots with catch basins, or other means of capturing water which would allow that water to in any manner whatsoever be discharged into the wetland area at the northwestern portion of the Henning property. Our clients feel that any water discharged to that area will flow onto our clients' property resulting in a greater wetland than our clients would otherwise have. While our clients desire to avoid the problem completely, nevertheless, if the City of Kirkland grants the variation request and/or allows construction to occur on the Henning property in such a way as increases the wetlands of our clients' property, our clients are prepared to commence legal action against the City of Kirkland for the resulting damages.

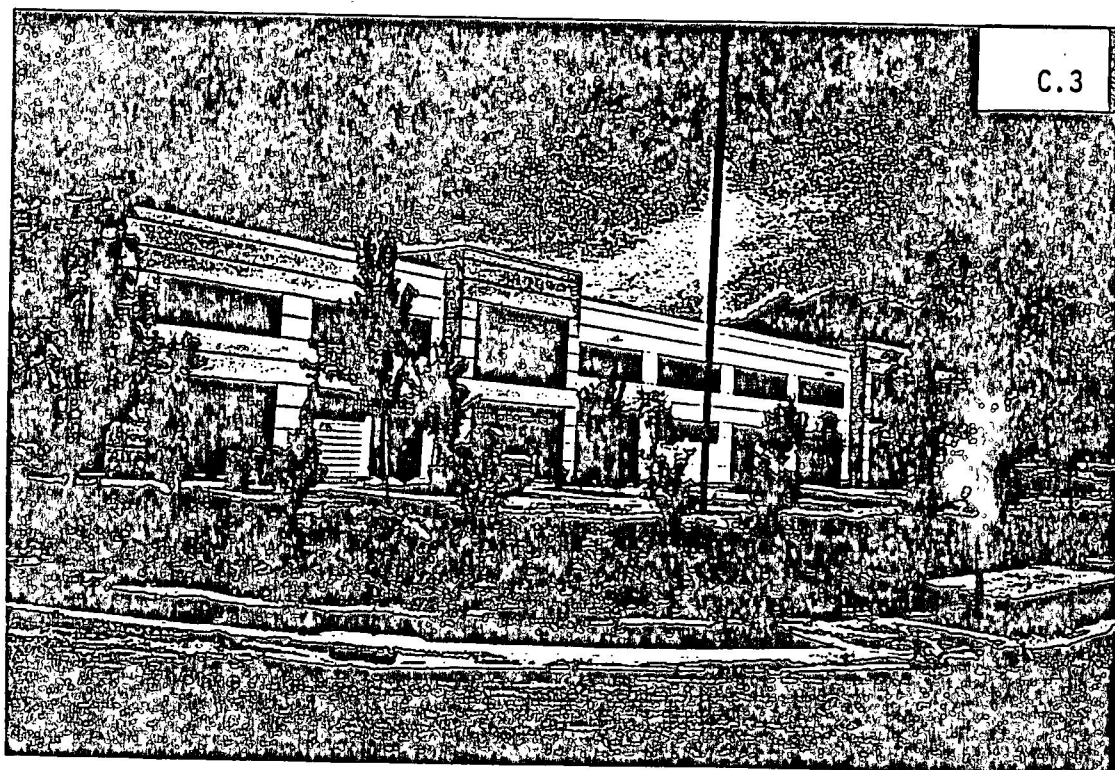
Sincerely,

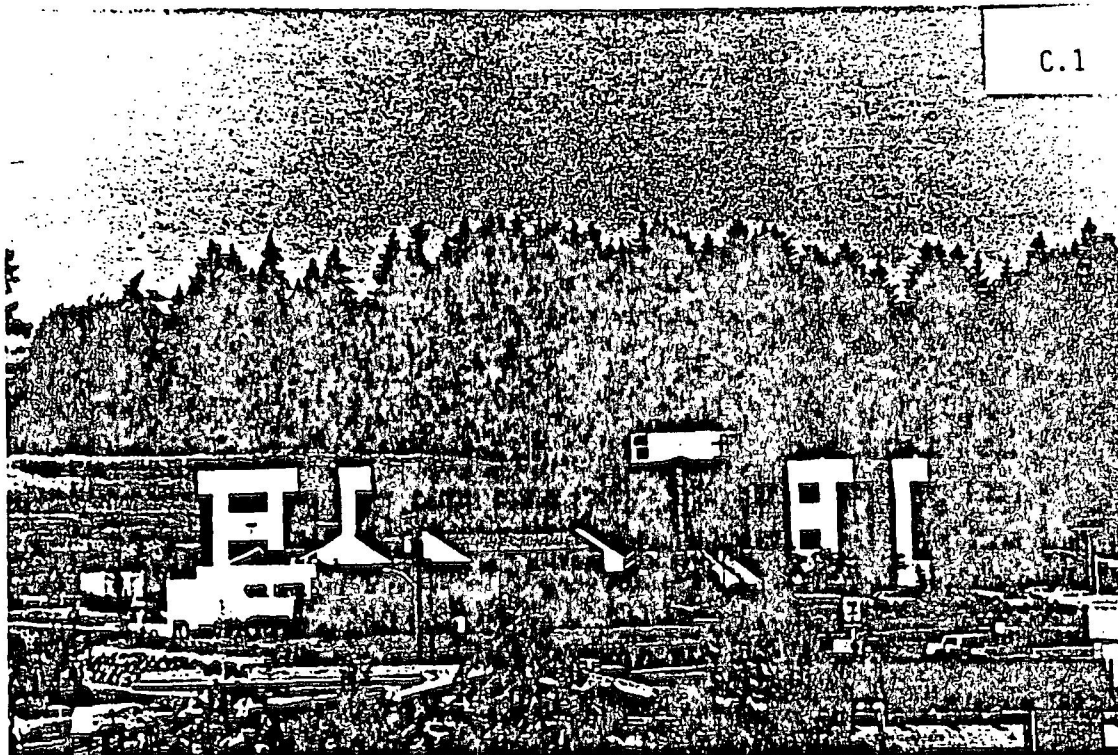
BOYD & DECKER, P.S., INC.



Roger L. Decker

RLD:spo
cc: Mr. & Mrs. Oskar Rismondo
RD1498





EXHIBITS C.1 - C.3

FILE NO. III-87-22

July 16, 1987

Mr. Joe Tovar
City of Kirkland
Planning Department
Kirkland, WA 98033

Reference: City Planning Department Hearing - July 16, 1987
West America Variance Request

This letter addresses two major items relating to the aforementioned variance request. The first is a general concern about adherence to the City of Kirkland General Plan and the second is specific to the West America request.

To address the first point: My experience with planning is in the area of strategic or long range (3-5 years) planning at the corporate level. However, I have to assume that basic principals of planning apply in both the private and public sectors. In all candor, a few of the principals appear to be missing from the City's process. Because they are missing, the Planning Department is put in the position of having an unenforceable Plan and, therefore, having to react to developers rather than administer the directives of that Plan which should be sustainable over its projected life. This method is inefficient, costly, and very frustrating to the involved citizens.

To be more specific, I seriously doubt that the planning process included a review of the internal organization or an environmental scan. By definition, the "internal organization" would be the City of Kirkland. Does the City have the revenue and other resources to provide the services necessary to support the type of development now under way in Hidden Valley? Our experience is that they do not.

Two personal experiences support this contention. I called the City Planning Department a few months ago concerned about the removal of some trees which it was my understanding were supposed to be left standing. You, Mr. Tovar, indicated that those trees were supposed to remain and it was unfortunate that the developer did not abide by the plan. You then suggested that I should call you if I thought any other violations occurred. It is not my job to ensure that West America lives up to the conditions specified in the Master Plan. I submit it is your job.

EXHIBIT E
FILE III-87-22

Parenthetically, I might also point out that the three recently constructed buildings are also in violation of the plan. The exterior of these buildings was supposed to be cedar or some other wood material to make them more closely match the materials used in the neighboring homes. Where was the Planning Department when that happened?

Another example of this concern is that no fewer than five times since May 1, I have called the Police to ask them to do something about the riding of loud dirt/trail bikes on the Hidden Valley grounds. On one particular evening the noise started at 7:00 and continued until after 10:00. I was told that riding bikes on that property was illegal, but to my knowledge, in all the times we've called, no one has come out. The bikers simply got tired and left.

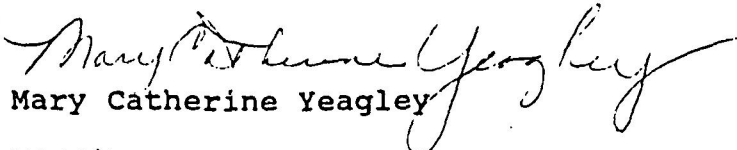
The only conclusion I can draw from this is that neither the Planning Department nor the Police Department has the resources to monitor activities in that area. That being the case, the building of a restaurant or any other expansion of the current "Plan" is irresponsible. You can't manage what you already have.

Secondly, in terms of the environmental scan, what consistently applied data is used to assess local and regional impacts of proposed plans and variances? It appears to me there is none. One plan violation or approved variance seems to dictate the next.

If you have surmised that I have lost faith in the planning process and the ability of the City of Kirkland to manage that process, you are correct.

I would like to see a comprehensive and sustainable Plan managed by the City and not by West America or any other developer. To date, anything I have seen has had less than one year durability and no enforcement.

Sincerely,


Mary Catherine Yeagley

MCY/jb

TO: Kirkland Planning Commission

July 16, 1987

SUBJECT: Amending the Totem Skyline Business Park Master Plan
(File No. III-85-78)

DISCUSSION:

The purpose of this letter is to layout for the Planning Commission my concerns about the proposed amendment of the Totem Skyline Master Plan. My concerns fall into the two areas - the addition of new buildings (not the existing buildings) to the Master Plan and the modification of Conditions 17 and 21(d).

ADDING NEW BUILDINGS:

The increase in number of the new buildings will aggravate traffic problems that are already bad and growing worse. Consider that

- * there is now only one building of the project in use
- * almost all of the proposed traffic improvements have been implemented

And yet the traffic is already bad and:

- * there are 12 more buildings yet to come
- * 3 more buildings would bring this total to 15

The evening traffic congestion at the NE 124th/116th NE intersection is frequently bad. The congestion at the NE 116th/120th NE intersection is often as bad but less frequently so. My specific concerns are that the congestion at the NE 116th/120th NE intersection will become so bad that there will be strong pressure to ease the situation by giving Totem Skyline access to NE 116th via the Panhandle and/or by extending 113th NE to NE 116th.

MODIFICATION OF CONDITIONS 17 & 21(d):

Basically my objections to modifying the Master Plan are that it makes bad law or perhaps no law at all. WestAmerica has a track record on this project of repeatedly doing things against regulations and then forcing the City Of Kirkland to accept it as accomplished fact about which nothing can be done. For example:

- * filling in part of the wetlands
- * over-filling the floor of Hidden Valley and raising the ground level in places by 8 to 10 feet
- * deliberately constructing the 3 most recent buildings at variance to the Master Plan

Once again it is proposed that Kirkland bail out WestAmerica by changing the Master Plan so that WestAmerica would be in compliance.

EXHIBIT F
III-87-22

We have been repeatedly assured by the City that when the Master Plan was approved it would be binding and have the force of law. What is being proposed by WestAmerica is the worst abuse of Rule-Of-Law. It would be Rule-Of-Man masquerading as Rule-Of-Law. Laws and regulations are not enforced, selectively enforced or changed or eliminated so that they don't require enforcement.

Imagine if you would what it would be like to change the speed limit just because Peter Henning wants to travel faster. It wouldn't happen and wouldn't even be considered. In Traffic Law enforcement is the rule and changing the law is the exception. Unfortunately, in real estate development it is the other way around - enforcement is the exception and changing the law is the rule.

Sincerely,

Larry Yeagley
Larry Yeagley

WestAmerica
ASSOCIATES

RECEIVED

NOV 17 1986

November 17, 1986

____ AM ____ PM
PLANNING DEPARTMENT

BY _____

Jeff Wilson
Planning Department
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033-6189

Re: Facades On Buildings C, D & E of the Totem Skyline
Business Park

Dear Jeff:

To comply with Recommendation 17 of the Planning Commission's Findings and Conclusions at their October 2, 1986 meeting, we are required to submit certain details of the design for these buildings. As you are aware, we accepted this recommendation for Buildings A & M, however we were given no opportunity to comment or respond to this recommendation with regard to buildings other than A & M. We do not accept this finding, however, in the hope of receiving a speedy issuance of the Building Permits for C, D & E, we are complying with this recommendation.

The facade for Building C encompasses a total surface area of 20,102 square feet. The elements other than concrete are as follows:

Wood	640 square feet
Glass	7,028 square feet
Accent Tile	1,490 square feet
Trim, Doors & other materials	<u>1,269</u> square feet
	10,427 square feet

The total of 10,427 square feet represents 51.9% of the entire facade.

EXHIBIT G
FILE III-87-22

Jeff Wilson
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November 17, 1986

The facade for Building D contains a surface area of 13,757 square feet. The elements other than painted concrete are as follows items:

Wood	512 square feet
Glass	5,020 square feet
Accent Tile	794 square feet
Trim, Doors & other material	<u>564</u> square feet
	6,890 square feet

The total of 6,890 square feet represents 50.1% of the entire facade.

The facade for Building E contains a surface area of 17,217 square feet, the elements other than painted concrete are as follows:

Wood	512 square feet
Glass	6,018 square feet
Accent Tile	1,292 square feet
Trim, Doors & other materials	<u>917</u> square feet
	8,739

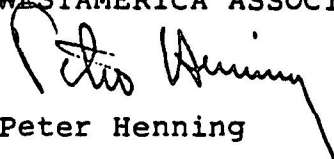
The total of 8,739 square feet represents 50.8% of the total facade area.

Jeff Wilson
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November 17, 1986

We will be submitting a color board for the project as well as colored elevations of each of the three (3) buildings showing the design and color scheme. We trust this will expedite the issuance of the building permits for Buildings C, D & E.

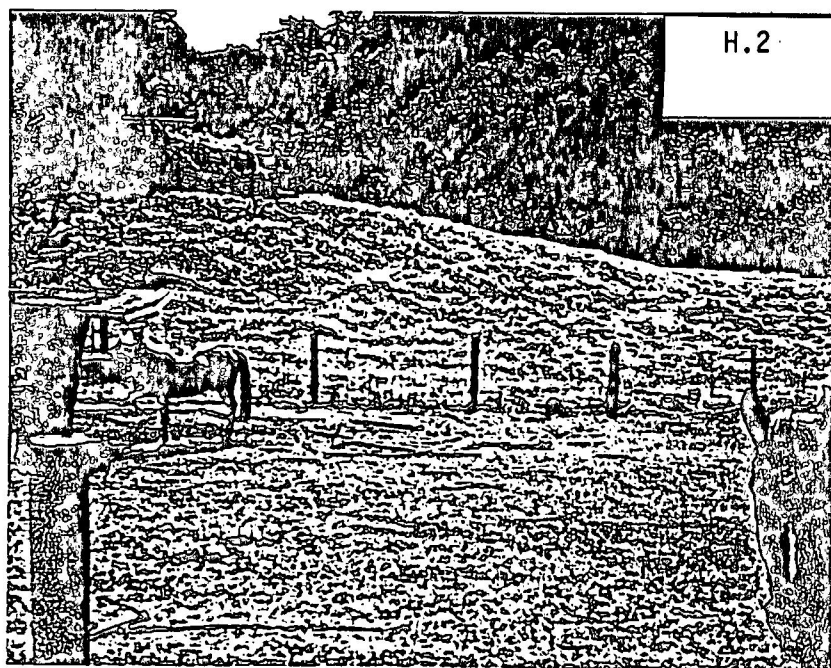
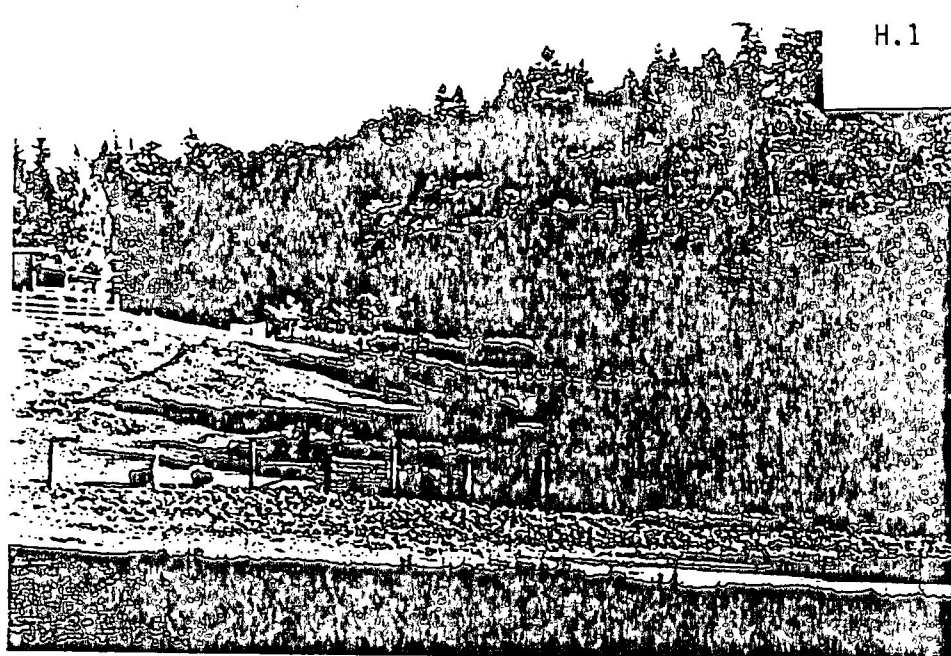
Sincerely,

WESTAMERICA ASSOCIATES



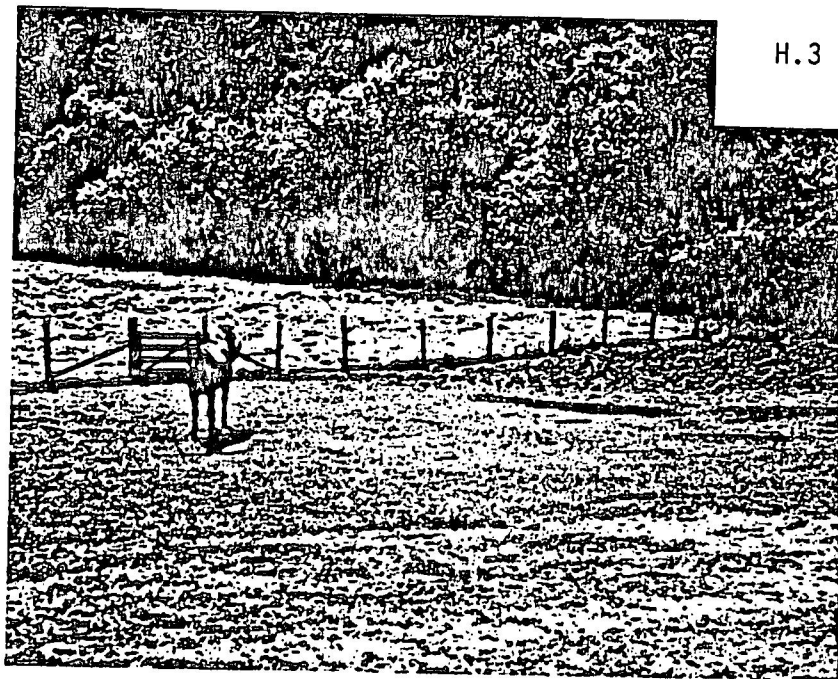
Peter Henning

PH/cj



EXHIBITS H.1 - H.3

FILE NO. III-87-22



H.3

Table D. Intersection Mitigation and Evaluation

D.E. 124th Street on 110th Avenue N.E.

Analysis Year	LOS	Improvement/ Mitigation	LOS
- Existing	F	Fully actuated 8 phase signal plus westbound right turn lane	F
1997 w/Phase I 150,000 of Dells	E	Add northbound right turn lane	E
1990 w/Phase II 354,000 of Dells	D	None suggested	
1990 w/Phase III 603,000 of Dells	D	(If I-405 ramp improved when 120 second cycle)?	D
With I-405 Improvements			
1990 w/Phase IV 800,000 of Dells	D	Provide second Skyline access via Northwest Construction Road (if via Wetmore Hill Road)	D
Without I-405 Improvements			
1990 w/Phase IV 800,000 of Dells	D	Provide second Skyline access via Northwest Construction Road (if via Wetmore Hill Road)	E

*Assumes widening of 116th Avenue N.E. north of N.E. 124th Street per
King County.

**Existing cycle is 160 seconds due to connection to I-405 ramp signal;
a revised ramp eliminating a left turn phase could reduce the cycle
length for both signals, thereby reducing vehicle delay at this
intersection.

Source: 1985 Highway Capacity Manual, TDA
Inc.

NOTE

This analysis uses operations and design procedures contained in the 1985
Highway Capacity Manual rather than those used in the previous analysis
which were based on Transportation Research Circular 2312, Interior
Materials on Highway Capacity. (At the time of the original traffic
study, the new Highway Capacity Manual had not been approved.) The new
method analyzes geometric and signal timing characteristics in greater
detail and therefore provides greater capability to specify precise
mitigation measures.

Improvements to bring traffic operations within capacity are identified where
necessary and a new level of service evaluates the results. For the year
1997, the previous year's improvements form the basis of analysis and traffic
added from background growth and initial development of Voted Skyline Business
Park is evaluated. Again, improvements required to achieve acceptable
capacity conditions are identified and evaluated. This pattern is followed
throughout the table.

N.E. 116th Street/120th Avenue N.E.

Existing and projected traffic conditions are shown in Table 10.

Reconstruction of N.E. 116th Street, currently underway, will add eastbound
and westbound left turn lanes and left turn phases, improving traffic flow on
N.E. 116th Street. No additional improvements are programmed by 1990.

Modifications required to improve traffic flow on 126th Avenue N.E., if not
already in place when traffic from Skyline Business Park is added via its
secondary access, are:

- o a longer signal length, and
- o northbound and southbound left turn phases.

Exhibit I
III-87-22



**Washington State
Department of Transportation**

District 1
6431 Corson Avenue South
P.O. Box C-81410
Seattle, Washington 98108-1310
(206) 764-4141

Duane Berentson
Secretary of Transportation

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July 13, 1987

JUL 17 1987

PLANNING DEPARTMENT

BY *BJ*

City of Kirkland
Planning and Community Development
123 5th Avenue
Kirkland, Washington 98033

Attention: Ms. Nancy Carlson

SR 405 MP 20.31 CS 174500
Determination of Non-Significance
for Totem Skyline Business Park II
File No. III-87-22

Dear Ms. Carlson:

This letter is in response to the Determination of Non-Significance we received from the City of Kirkland on June 18, 1987.

This development is located approximately 2 blocks west of the SR 405/NE 124th Street Interchange, between NE 116th Street and NE 124th Street, and is for the construction of 3 new buildings totalling 52,000 square feet on 7 acres.

The Washington State Department of Transportation is presently working on preliminary plans for redesigning the I-405/NE 124th Street interchange. Preliminary plans call for the addition of loop ramps to this interchange northbound and southbound for easier access to I-405. This work also may entail changes to the existing ramp configuration east of I-405.

The Washington State Department of Transportation feels that the developer should:

1. Contribute on a proportionate share basis toward the SR 405/NE 124th Street interchange improvements.
2. Contribute on a proportionate share basis toward the County CIP Project No. 100186.

EXHIBIT J

FILE NO. III-87-22

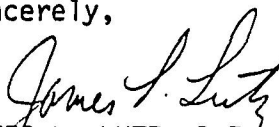
Ms. Nancy Carlson

July 13, 1987
Page two

We concur with the traffic mitigation measures outlined by the City of Kirkland.

Thank you for the opportunity to comment on this proposal. Should you have any questions, please feel free to contact Donald Hurter (236-4517) or Mr. Phillip Riggins (236-4406) of my staff.

Sincerely,


JAMES L. LUTZ, P.E.
Utilities Engineer

PR:d

cc: Lisa Grote, Department of Public Works

11649 - 120th Avenue N.E.
Kirkland, WA 98033
July 21, 1987

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JUL 20 1987

Kirkland Planning Commission
Meeting Thursday July 23
Council Chambers, City Hall
123 Fifth Avenue
Kirkland, WA 98033

AM PM
PLANNING DEPARTMENT

Subject: File No. III-85-78: Additional Exhibit for Planning Commission
Extension of Public Testimony to July 23 Hearing Continuance.

Honorable Commissioners:

In the hearing held Thursday night July 16 by the Planning Commission on the Henning Skyline Business Park, file number above, much discussion was triggered by Henning's current request to amend Condition 17, a thru f of the Approved Master Plan (File No. III-85-78). Residents on the N.E. 116th Street ridge immediately south of the project asserted that the painted concrete exteriors of the three buildings most recently constructed violated the Condition 17 requirement that "building facades shall consist predominantly of materials such as wood, masonry, brick, tile or glass. Bare and painted concrete; metal or reflecting glass shall be minimized" (17e and that, "Materials and colors shall . . . enhance the visual coherence of the entire project" (17f).

The recommendation presented to you at the July 16 hearing by the Dept. of Community Development disagreed with these dissatisfied residents. Both Planners Jeff Wilson and Eric Shields contended that the painted concrete did meet Condition 17 requirements.

Planning Commissioner Gene Martenson, in the discussion about the meaning of "predominantly" and "minimized" that followed, suggested that the Commission in its private consideration of this application would be advised to discuss the need to fix upon, perhaps officially, a firmer definition for these two terms. Commissioner Martenson himself introduced his understanding of "predominantly" and "minimized" in two definitions corresponding closely both to common usage and to standard dictionary definitions.

Commissioner Martenson's suggestion that the Commission needs to pin down these two terms, both of which appear often in LUPP regulations, is not only to be commended, but I would urge that it be acted upon in reaching a decision on Peter Henning's application to amend the Skyline Business Park Master Plan. As the owner of 4½ acres in the immediate vicinity, I myself have been in dispute with the Department of Community Development's odd 49/50% basis for weighing the meaning of "predominantly" and "minimized." Just a year ago in my appeal of the DNS granted Jas. Motherbaugh (Roxbury Construction) application for a Process II Permit in Planned Area 11 (File No. II-A-86-25), I pointed out that in three places in the LUPP and in the Use Zone Chart for PLA 11 (pp. 210-211, Sect. 60.60 b & c) constraints were repeated in the following words: "Tree removal and alteration of topography must be minimized." I then quoted several dictionary definitions of "minimize."

Joe Tovar, orally at the two hearings and in his written recommendation in the Advisory Report (May 30, 1986 letter, File No. II-A-86-25, page 2) acknowledges that the Motherbaugh "proposal will result in an alteration of the forested ridge" and the Hearing Examiner later acknowledged that "the applicant proposed to remove rather than retain most of the trees on the

EXHIBIT K
FILE NO. III-87-22

site and proposed to regrade the site to remove most of the slopes," but in his conclusions dated July 24, 1986 ostensibly supported Mr. Tovar's contention that the conditions of the LUPP and Zoning Code were not, after all, violated since, and I quote from page two of Mr. Tovar's aforementioned May 30, 1986 letter, "the word minimize is indefinite and subjective,"

To return to File No. III-85-78 of Peter Henning's application to amend the current Skyline Business Park Master Plan, we are again seeing the usual definitions of predominantly and minimized set aside, not only to approve the current all-out use by the applicant of the painted concrete supposedly discouraged by Master Plan Condition 17d adopted as part of the Master Plan by the Kirkland City Council, but to add one additional proviso which would actually make the current painted concrete the new standard norm for all the interior buildings. Thus the supposed material to be avoided--painted concrete--is made the desirable exterior finish.

Planners Jeff Wilson and Eric Shields at the July 16 Hearing praised this newly recommended norm as a good-looking and highly appropriate facade treatment. As the complaining residents pointed out, this praise conflicted with their accompanying recommendation that the facades of Business Park buildings facing public thoroughfares still be subject to the original Section 17 Conditions that painted concrete must be minimized, a double standard.

Conclusion:

So, since predominantly and minimized, though ordinarily used confidentially in public and private agreements, have recently led to a confusion of interpretation when the terms appear in the LUPP and Zoning Code and Council Resolutions that implement them in the case of master plans, I again urge that the Planning Commission adopt Gene Martenson's suggestion and come up with reasonable, dictionary-compatible parameters (not percentages) for the application of "predominantly" and minimized."

Respectfully submitted,

Catherine S. Harrington

Catherine S. Harrington
11649 - 120th Avenue N.E.
Kirkland, WA 98034

CITY OF KIRKLAND
Planning & Community Development
MEMORANDUM

Date: July 22, 1987

To: Planning Commission

From: Eric Shields *ESW*
for

Subject: APPLICATION FOR AMENDMENT TO THE TOTEM SKYLINE BUSINESS PARK
MASTER PLAN, FILE NO. III-87-22

In addition to your specific request, staff would also like to provide the following information pertaining to the traffic, wetlands/storm drainage, the billboard sign on NE 124th Street, design review, as well as, limitations on reviewing the proposed permit application.

1. Limitation in Reviewing Permit Application: As an outcome of the public hearing on July 16, 1987, staff questioned the City Attorney as to how broad the City's authority is in reviewing the permit to amend the Totem Skyline Business Park Master Plan. Specifically, can staff or the Planning Commission recommend changes to any conditions which were approved for the original master plan, but which are not a part of this application, or is our authority limited only to developing recommendations on the specific issues which are a part of the application? To this question, the City Attorney responded that, the permit granted for the approved master plan may not be touched or amended during this hearing except as requested by the applicant. Therefore, the applicant has the right to construct any building approved under the previous master plan as was approved unless, the applicant has requested an amendment to a specific condition and said condition is amended by the City Council.

Therefore, as a rule of thumb, the staff and Planning Commission is limited specifically to the review of buildings N, O, R, P, and Q for their inclusion into the master plan, and changes to amend existing conditions 15, 17, 20(c) and 21(d), as requesting with this permit application.

2. Traffic Generation: Prior to the suspension of the hearing of July 16, 1987, the Commission requested that staff prepare an analysis of the potential average weekday trip generation for buildings N, O, and R as requested through the business park provisions of PLA-10B, with that of the potential average weekday trip generation for structures built on the sites of buildings N, O, and R through the outright permitted use provisions within PLA-10B.

EXHIBIT L

FILE NO. III-87-22

Memorandum to Planning Commission
 July 22, 1987
 Page 2

	<u>Site</u>	<u>Use</u>	<u>Area (Gross Sq. Ft.)</u>	<u>1000 sq. ft.</u>	<u>AWDT</u>
A. Business Park	N	Office	13,000	12.3	159.9
		Manufacturing	8,000	4.88	39.0
	O	Office	23,000	12.3	282.9
	R	Restaurant	10,000	*60	*600
				TOTAL	1,081.8

* Assumes 20% reduction for multi-use project and crossover traffic.

B. Non-Business Park	N	Office	21,000	12.3	258.3
	O	Office	23,000	12.3	282.9
	R	Office	**24,000	12.3	295.2
				TOTAL	836.4

** Assume that parking provided for restaurant as proposed for the business park can be provided for office, in order to determine size of building (80 spaces x 300 sq. ft./space = 24,000 sq. ft.)

The proposed uses outlined as part of the business park expansion application would generate approximately 245.4 more average weekday daily trips than the potential uses which may occur without the business park application. The main difference between the two is the proposed restaurant use (building R) within the business park. Staff has assumed at least 20% reduction in the trips generated by the restaurant due to its proximity to the business park, however, this number may vary and, in fact, may even be greater due to the number of tenants within the business park at full occupancy. A lesser difference is the manufacturing use (building N) within the business park.

3. Wetland/Storm Drainage: As is set forth in paragraph 1 of this memo, the staff and the Planning Commission are limited to the extent we can review the proposed application. Specifically, buildings N, O, R, P, and Q route their storm drainage runoff to the system in the NE 124th Street right-of-way. Only the storm drainage created by proposed building N would enter into the existing system which eventually flows through the "Chaussee" wetlands. Therefore, the review of the potential impacts on the "Chaussee" wetland, created by additional storm drainage runoff from the proposed expansion of the master plan, should be limited to the review of building N only.

In reviewing building N, the proposed method to handle the on-site storm drainage is to pump the storm drainage collected on the site up to the

Memorandum to Planning Commission
July 22, 1987
Page 3

113th Avenue NE right-of-way, where it will then be collected in the City's system which transports it to the south, to the existing wetland facility in the Skyline Business Park, at which point it is metered out through a channel to the "Chaussee" wetland which is west of the Totem Skyline Business Park. The water which is collected from the business park, which we can assume to be greater in volume due to the increase in impervious surface, does not leave the site at any greater rate than it did prior to the development, but, rather, has a greater duration for the outflow than it previously did, all within the limits set by the City. This water is then transported to the "Chaussee" wetland which is a natural low drainage basin for the area. The wetland then serves as a natural filtration system prior to its entry into the Juanita Creek system.

The options which are available to both the staff and the Planning Commission in the review of the storm water run-off created by building N are as follows:

- a. Approve building N and associated storm water system as requested by the applicant.
 - b. Approve building N and divert the storm run-off from building N to connect to the system in the NE 124th Street right-of-way. This option, while it may be technically feasible for both the applicant to do and the City to approve, would not be consistent with the City's policies to allow water to travel in its natural course through a wetlands in order to receive the benefit of the natural filtration system.
 - c. Approve building N as part of the business park, but deny any building permits for building N until such time as a study is completed on the impacts to the "Chaussee" wetlands and methods to mitigate any identified impacts.
 - d. Deny building N.
4. Design Review: Questions were raised by the Planning Commission as to why the staff seeks to change the design review criteria as they pertain to the interior buildings if, in staff's opinion, the buildings constructed (buildings C, D, and E) comply with said criteria.

Staff is of the opinion that, in fact, buildings C, D, and E do comply with the design review criteria as approved under the original master site plan permit. However, as was evidenced during the hearing, there are several different opinions on this point, some of which are in strong disagreement with the staff that buildings C, D, and E do comply with the existing conditions. Therefore, staff proposed the change in language in order to remove the ambiguity which surrounds the existing design review criteria as they relate to the interior buildings of the business park.

Memorandum to Planning Commission
 July 22, 1987
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However, should the Planning Commission agree with staff's opinion that Buildings C, D, and E are in compliance with the existing design review criteria, staff would have no objection to deleting the revised language and allowing the design review criteria to stand as are currently written.

5. Billboard Sign: Staff would like to take this opportunity to provide additional information pertaining to the "Billboard" sign located on NE 124th Street and contained as part of the proposed master site plan expansion. Further information has come to staff's attention that has caused us to revise our previous recommendation. Provided below is the revised recommendation as well as supporting facts and conclusions.

Recommendation 10 on page 5 of the staff advisory report dated July 9, 1987, should be revised to read as follows:

Within 60 days of the approval of this application by the City Council, or prior to the issuance of the next building permit, whichever shall occur first, the "illegal" non-conforming billboard sign located on the south side of NE 124th Street (see Attachment 22) shall be permanently removed, unless, the applicant can provide to the Department of Planning and Community Development a valid permit which allowed the construction of the billboard at its specific location. If a valid building permit can be provided, then the billboard sign shall be removed within 120 days of the approval of this application by the City Council or prior to the issuance of the next building permit, whichever shall occur first.

Additional Supporting Facts:

II.D.23.a.: Research by staff and the City Attorney's office has found that the existing billboard sign is in fact an illegal sign. Authorities in King County have stated to the City Attorney's office that the sign was not constructed in the location for which the permit was issued, therefore, the sign exists without the benefit of an approved permit. These actions occurred while the property was in King County and prior to its formal annexation into the City.

II.D.23.b.: Zoning Code Section 5.10.570 defines non-conformance as: "Any use, structure, lot, condition, activity or any other feature or element of private property that does not conform to any of the provisions of the Code or that was not approved by the City through the appropriate decision-making process required under this Code."

II.D.23.c.: Zoning Code Section 162.20 states that, "...any non-conformance that was illegal when initiated must immediately be brought into conformance...."

Memorandum to Planning Commission
July 22, 1987
Page 5

Additional Supporting Conclusions:

III.D.18.a.: The existing City non-conformance chapter is designed to protect those uses which were legal at one point in time but subsequently became illegal as a result of changes in zoning. Therefore, Chapter 162 of the Zoning Code as it relates to legal non-conforming signs should not be applied to the billboard sign, in that the existing billboard sign is "illegal."

III.D.18.b.: Information provided by authorities in King County have indicated that the sign was not constructed at the location to which the permit was granted. Therefore, the sign was constructed without benefit of an approved permit and is therefore illegal. Since the sign is illegal, it is of far greater importance to the City and the residents of the City that this illegal activity be corrected immediately, as provided for in Zoning Code Section 162.20.

The above information is designed to address issues raised in the public hearing of July 16, 1987. Should any additional questions arise at the public hearing of July 20, 1987, or should you desire additional information, staff will be available to do so at the July 20, 1987 public hearing.

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JUL 23 1987

AM PM
PLANNING DEPARTMENTBY 11422 NE 116th Street
Kirkland, WA 98034

July 22, 1987

Kirkland Planning Commission
123 Fifth Avenue
Kirkland, WA 98033

Re: File No. III-87-22, Totem Skyline Business Park Master Plan

Commissioners:

At the public hearing of July 16, 1987, we spoke out expressing our opposition to amending Condition No. 17 of the Master Plan. We take this opportunity to repeat our opposition in letter form. Furthermore, we are in strong opposition to amending all conditions.

Having the business park development prepared as a "Master Plan", we were told, would ensure that all our concerns as to design criteria, building usage, environmental impacts (wetlands and traffic) were satisfied. With a Master Plan the City Planning Department would be able to safeguard the concerns of the citizens and enforce the wishes of the Planning Commission and City Council. Without a Master Plan less stringent conditions would be placed on the developer. This could not be further from the truth. The truth as revealed is that the sole purpose for a Master Plan is to allow for land usage which would not normally be allowed, i.e. to allow light industrial/manufacturing usages in areas which without a Master Plan could only have office usage. The idea that the Master Plan has ensured that traffic is not adversely affected (i.e., the traffic study which was required for the ruling of nonsignificance) is obviously a sham. How can seven additional acres be included in the Master Plan without a call for further traffic studies or further environmental impact studies? This is a 23% increase in acreage over the original Master Plan. Furthermore, Mr. Wilson brought up the point that a lot of "open" land still remains in the valley. Conceivably this land is ripe for exploitation and could be added piecemeal to the Master Plan with additional Process III Permits. If the Planning Commission and City Council approve this expansion, the Master Planning process is exposed as meaningless.

Why is it necessary to include the two buildings which are already completed (Totem Skyline and Casa Lupita)? How can the conditions of the Master Plan apply to buildings already in existence? Are there benefits to the developer which haven't been revealed to the public? Is this an attempt to circumvent Conditions 20 (h) and (i), to obtain another access to 124th?

EXHIBIT M
III-87-22

Totem Skyline Business Park is covered by a Master Plan. It took much patience with a long and deliberate process to develop the criteria. Yet the Planning Department has shown a deplorable disregard for the concern of local residents and the written word of the Planning Commission. The Planners are either unable or unwilling to exercise the good judgement for which they are being paid in the enforcement of all provisions of the Master Plan.

We, and other residents, expressed our concern for design criteria. Examples of better designs were submitted. Photographs of buildings of appropriate designs, were introduced into the record. There were several types, each fitting the description of "a high class office park, one whose design would complement adjacent residents" -- the description used by Mr. Peter Henning when he first sought approval for the annexation and zone change for Hidden Valley. The Planning Commission saw the wisdom of including design criteria in the Master Plan. The City Council supported the need for this criteria and the Planning Department assured us of their intent to enforce them. However, we now have three new buildings which do not meet the design criteria. Yet the City Planners who defended the design say that they feel that the "spirit" of the criteria was fulfilled and that minimize means less than or equal to 49%. Had we only known that semantics would be so critical and that terms such as meet the "spirit" of a requirement would be used. It is unfortunate that we cannot pay \$10 toward our city taxes and express our fulfillment of the "spirit" of having paid the taxes!

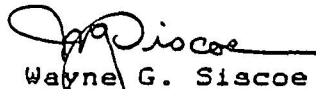
The Planning Department is inconsistent. They take a very lax approach to enforcement of design criteria, yet when criticized justly for failure to ensure that runoff from the development does not unduly effect land not included in the development they say that they have met "the letter of the law." Is it just a matter of semantics? It is true they never categorically stated the runoff would not harm property down stream. None of the officials has taken a responsible approach and suggested that an equitable solution be found that does not harm property owners. The loudest bark rules; in this case power and money talk.

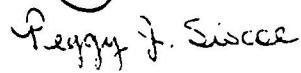
We object to amending the other conditions. We have heard no convincing reasons for needing the changes other than the developer wants them. The changes favor the developer to the detriment of the local residents. We are being forced to accept a larger industrial park than was originally proposed, one of a design of which we do not approve, and one which compromises the quality of our lives and the value of our property. We don't want to see Welcome Hill further encroached on by building F than was originally proposed in the Master Plan, or for the parking lot for building M to cut further into the ridge below our home.

Occupancy permits should not be granted until the requirements of the Master Plan are met. The Planning Commission was wise in requiring certain conditions be met before permits are granted. Why question that wisdom now?

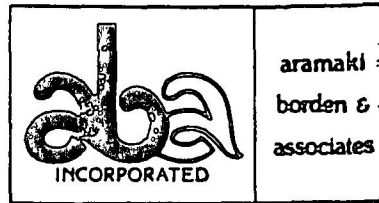
It's ludicrous for the Planning Department to be so adamant about having the nonconforming billboard removed while disregarding the more significant violations of the Master Plan.

Sincerely,


Wayne G. Siscoe


Peggy J. Siscoe

CIVIL ENGINEERS
PLANNERS
LAND SURVEYORS



6141 N.E. BOTHELL WAY
SEATTLE, WASHINGTON 98155
(206) 485-9711

July 22, 1987

Mr. Peter Henning
WESTAMERICA ASSOCIATES
11411 NE 124th St., Suite 150
Kirkland, WA 98034

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JUL 23 1987

AM PM
PLANNING DEPARTMENT

RE: Downstream wetlands (Chaussee site)
TOTEM SKYLINE BUSINESS PARK

BY _____

Dear Peter,

Per your request, please find following my observations regarding the wetland area downstream of TOTEM SKYLINE BUSINESS PARK (Chaussee property, TL #21, SE 29-26-5). In general, it is difficult to assess causal effects regarding wetlands, and these observations should not be construed as conclusions.

The retention pond constructed for the business park appears to be functioning as designed; per City of Kirkland standards, this is based on a 100-year frequency storm event and an allowable release rate of 0.2 cfs/acre. The pond weir has a 2.0 square-foot opening, and is approximately 9 feet higher than the NE 124th St. cross-culvert located at the Northwest corner of the Chaussee property.

The business park provides a significant contribution to the Chaussee wetlands, releasing approximately 6.4 cfs during rainfalls. Assuming that these wetlands are increasing in size, one alternative is to reduce the size of the pond weir, thereby reducing the amount of water entering the wetlands. The concern is that no one has a feel for what would be a correct reduction. Once a wetlands "drying" process is undertaken, it might prove to be irreversible.

A second and more logical alternative might be to look directly at the wetlands for some type of blockage that might have occurred in the recent past. There are numerous minor drainage channels running throughout the wetlands, any of which can be stopped-up by brush, debris, etc. These channels should be re-established as required, and possibly deepened to the satisfaction of the concerned parties.

EXHIBIT N
III-87-22

Downstream wetlands (Chaussee site)
TOTEM SKYLINE BUSINESS PARK
Page two

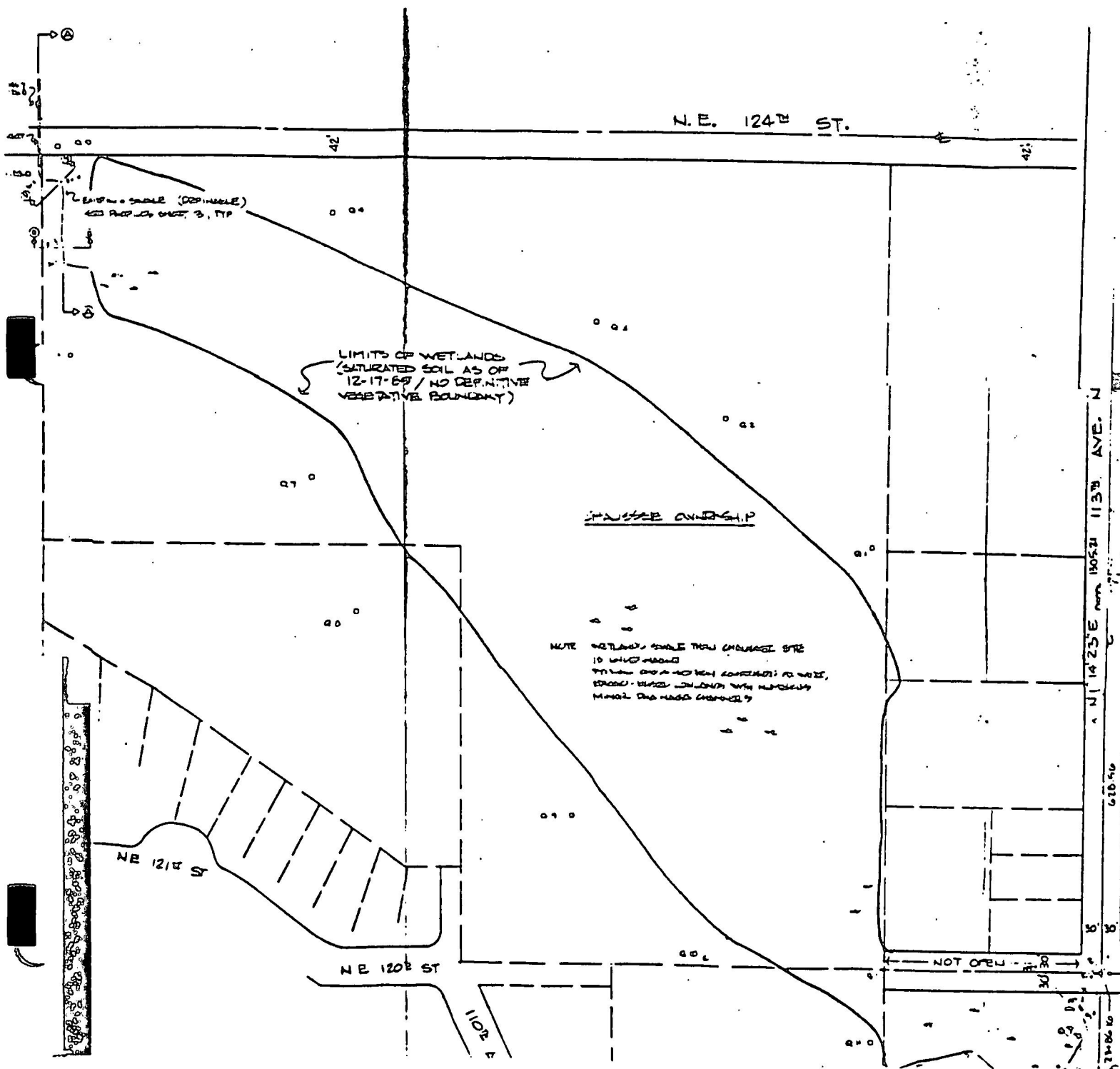
Wetlands are in such a delicate balance that any revisions could prove quite negative. Previously, we defined a boundary for the wetlands (enclosed), conducted on December 17, 1985 prior to business park development. I would recommend that this survey be redone to determine if in fact there has been an increase in wetlands size. Assuming there is an increase and the City wishes to attempt a correction, this boundary should be monitored to determine the affects of the correction. If you have any questions/comments, please call me at 485-9711.

Sincerely,



Alan Aramaki, PE

encl: as stated
AA:km



RECEIVED

JUL 16 1987

PLANNING DEPARTMENT

BY *fm*

Dear Mr Wilson,

I have wanted to drop a note for several weeks and this AM decided not to put it off one more time -

I have the pleasure of telling you that I am proud to live on what I think is the prettiest street in Kirkland N. E. 116th.

My Compliments to the selection of the Construction Company they did a wonderful job. When there was a problem that would effect individual home we were contacted on a one on one basis. We were made to feel important in the road improvement.

EXHIBIT 0
FILE NO. III-87-22

I have a great deal of respect for the Kirkland Calise Dept. they went out of their way to give us assistance and understanding.

all in all the city and builders
did a wonderful job in planning
the complete look of NE 116th

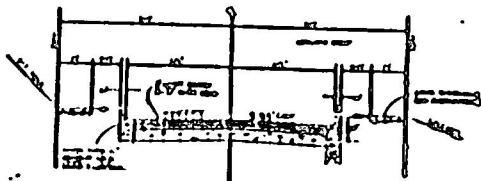
When you consider that there
were two major construction sites
going on at the same time it
was like watching a puzzle
go together -

Thanks Kirkland for our
wonderful Street -

Beverly Flares

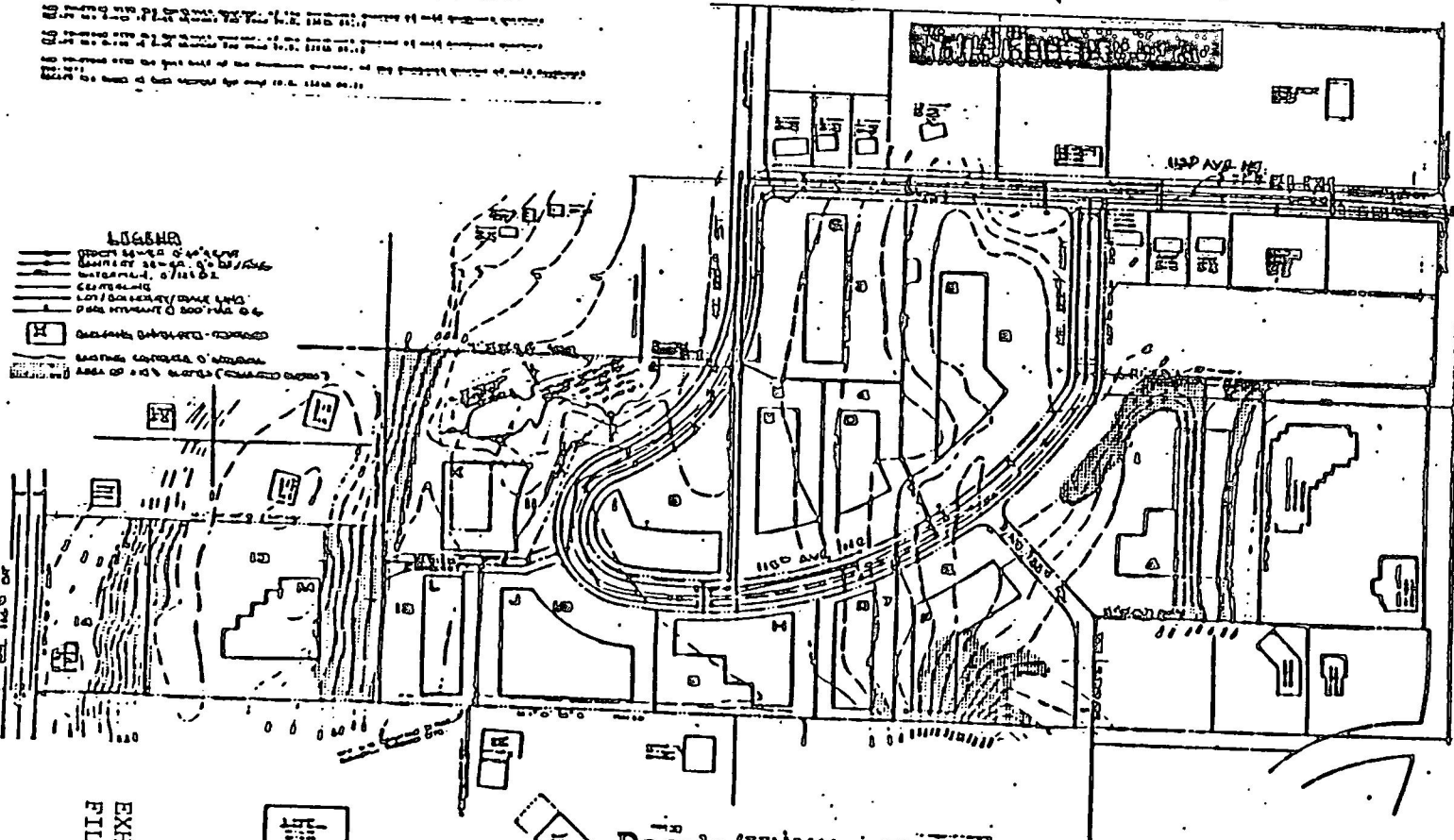
11718 - 114th and NE
Kirkland WA 98034

821-7388



NOTES:
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SEATTLE, WASHINGTON, DEPARTMENT OF PUBLIC WORKS, ENGINEERING DIVISION, STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, LATEST EDITION.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SEATTLE, WASHINGTON, DEPARTMENT OF PUBLIC WORKS, ENGINEERING DIVISION, STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, LATEST EDITION.
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LEGEND:
1. EXISTING PAVEMENT
2. EXISTING CURB
3. EXISTING SIDEWALK
4. EXISTING DRIVEWAY
5. EXISTING UTILITY
6. EXISTING EASEMENT
7. EXISTING RIGHT-OF-WAY
8. EXISTING FENCE
9. EXISTING SIGN
10. EXISTING LIGHT
11. EXISTING TREE
12. EXISTING PLANT
13. EXISTING STRUCTURE
14. EXISTING FURNITURE
15. EXISTING OBSTACLE
16. EXISTING HAZARD
17. EXISTING DEFECT
18. EXISTING DAMAGE
19. EXISTING VIOLATION
20. EXISTING VIOLATION



Roads/Utilities Plan

EXHIBIT P
FILE III-87-22

Attachment 7
Roads/Utilities Plan
Totem Skyline Business Park
III-85-78

TO: Kirkland Planning Commission

July 23, 1987

SUBJECT: Amending the Totem Skyline Business Park Master Plan
(File No. III-85-78)

DISCUSSION:

The purpose of this letter is to express my views about some of the issues raised at the July 16, 1987 hearing before the Planning Commission concerning the proposed amendment of the Totem Skyline Master Plan. As a result of testimony at that hearing I became particularly concerned about two matters - the modification of Conditions 17 and the issue of drainage and wetlands raised by Mrs. Rismondo.

MODIFICATION OF CONDITION 17:

There are two aspects of the Planning Department's testimony that bother me - their interpretation of the word predominant and their arbitrary introduction of a double standard for the buildings.

Concerning the interpretation of predominant, Condition 17(e) requires that:

"Building facades shall consist predominantly of materials such as wood, masonry, brick, tile or glass. Bare and painted concrete; metal or reflecting glass shall be minimized."

The Planning Department claims that the meaning of predominant is subject to interpretation. Their interpretation is "a material is not predominant if it is less than 50%". I claim that is wrong and obviously so.

The facade materials arranged in the order of area covered are:

1. painted concrete
2. window glass
3. metal (doors)
4. tile

Several points are obvious:

1. The largest amount of surface is covered by painted concrete with the least amount of surface covered by tile. If painted concrete is not the predominant material then what is?
2. Contrary to 17(e) painted concrete has been maximized and not minimized. What have been minimized are wood, masonry, brick and tile.
3. 17(e) does NOT say that painted concrete should not be predominant. It does say that the facade should be predominantly "wood, masonry, brick, tile or glass". The only materials in this list which were included in the facades are glass and tile and between them they compose much less than 50% of the facades. Therefore, by the Planning Department's interpretation, they are not predominant.

There is no interpretation of "predominant" for which the facades on these buildings satisfy either the spirit or the letter of the law!

On the issue of the double standard. Condition 17 states:

"The design of all buildings must meet the following criteria:"

It's quite clear that this statement intends that all buildings satisfy conditions 17(e & f) and that there are no grounds for distinguishing between "interior" and "exterior" buildings. There is no issue of interpretation involved!

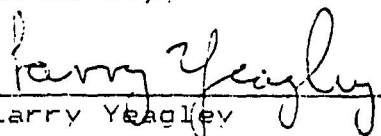
DRAINAGE AND WETLANDS:

Mrs. Rismondo's testimony was of particular concern to me. Our front yard is low-lying, with poor drainage and through which the runoff from higher neighboring areas (including part of the "Panhandle") passes. As a result, from mid-October to mid-March part of the yard is underwater. I am greatly concerned that construction of Building M (in the "Panhandle") and its associated parking areas will increase both the amount and rate of runoff through our property. This would lead to:

- * having our front yard under water for a longer period of time - perhaps year 'round
- * an increased volume and rate of flow that would damage our culvert and necessitate expensive repairs

I would like very much for the Master Plan to explicitly require the drainage and/or runoff from Building M be directed away from our property and directly down into Totem Skyline Business Park.

Sincerely,


Larry Yeagley

Min-er-va (mi nér'və) [*L.*, prob. of Etruscan origin] 1. a feminine name 2. the ancient Roman goddess of wisdom, technical skill, and invention; identified with the Greek goddess Athena

min-er-stro-ne (mín'ə strō'nē; occas. -strōn'; *It.* mē'nē strō'nē) *n.* [*It.* < *minestra*, soup < *minestrare* < *L.* *ministrare*; see *MINISTER*, *v.*] a thick vegetable soup containing vermicelli, barley, etc. in a meat broth

mine sweeper a ship equipped for destroying enemy mines at sea

ming (mín) [*Chin.* lit., luminous] *Chin.* dynasty (1368-1644); period noted for scholarly achievements & artistic works, esp. porcelains

min-gle (mín'g'l) *v.* -gled, -gling [*ME.* *mengelen*, freq. of *mengen* < *OE.* *mengan*, to mix, akin to *G.* *mengen* < *IE.* base **menh-*, to knead, whence *Gr.* *massein*] 1. to bring or mix together; combine; blend 2. [*Now Rare*] to make by mixing ingredients; compound —*vi.* 1. to be or become mixed, blended, etc. 2. to join, unite, or take part with others —*SYN.* see *MIX* —*min'gler* *n.*

ming tree (*MING* + *TREE*) an artificial plant made in imitation of a bonsai

ming-y (mín'yē) *adj.* -gled, -gling [*prob.* altered < *MANGY*, after *STRINGY*] [*Colloq.*] mean and stingy

min-i- (mín'ē) [*< MIN(I)TURE*] a combining form meaning miniature, very small, very short (*miniskirt*); used freely to form nonce compounds, often hyphenated, meaning "of lesser scope, extent, intensity, etc. than usual" (*minicrisis*, *miniculture*)

min-i-a-ture (mín'ē ə char, mín'ē char) *n.* [*It.* *miniatura*, rubrication, illumination of manuscripts < *ML.* < *pp.* of *L. miniare*, to paint red < *minium*, red lead (see *MINIUM*); sense infl. by *L. minutus*, MINUTE] 1. a small painting or illuminated letter, as in a medieval manuscript 2. a) a very small painting, esp. a portrait, done on ivory, vellum, etc. b) the art of making such paintings 3. a copy or model on a very small scale —*adj.* on, or done on a very small scale; diminutive; minute —*SYN.* see *SMALL* —*in miniature* on a small scale; greatly reduced

min-i-a-tur-ist (-char'ist) *n.* a painter of miniatures

min-i-a-tur-ize (-iz') *v.* -ized, -izing to make in a small and compact form —*min'i-a-tur-iz'a-tion* *n.*

min-i-bus (mín'ē bus') *n.* (*MINI* + *BUS*) a very small bus

min-i-e ball (mín'ē mīn'ē bāl) [*after C. E. Minie* (1814-79), its Fr. inventor] a cone-shaped rifle bullet with a cavity in its base, which expanded, when fired, to fit the rifling in the bore; used in the 19th cent.

min-i-fy (mín'ē fī') *v.* -fied, -fying [*< L.* *minuere*, less, after *MAGNIFY*] to make or make seem smaller or less important —*min'i-fica-tion* *n.*

min-i-kin (mín'ē kīn) *n.* [*MDu.* *minneken*, dim. of *minne*, love; see *MINNESINGER* + *-KIN*] 1. [*Obs.*] a darling 2. [*Rare*] anything very small and delicate —*adj.* [*Archaic*] 1. diminutive 2. affected or mincing

min-im (mín'im) *n.* [*ME.* *minym* (in sense 3) < *L.* *minimus*, least; see *MINIMUM*] 1. the smallest liquid measure, equal to 1/60 fluid dram, or about a drop 2. anything very small; tiny portion 3. *Music* a half note (4) —*adj.* smallest; tiniest

min-i-ma (mín'ē mē) *n.* *pl.* of *MINIMUM*

min-i-mal (-māl) *adj.* smallest or least possible; of or constituting a minimum —*min'i-mal-ly* *adv.*

min-i-mal-ist (-māl'ist) *n.* [*prec.* + *-IST*] a person who advocates action of a minimum or conservative type

min-i-mize (mín'ē mīz') *v.* -mized, -mizing 1. to reduce to a minimum; decrease to the least possible amount, degree, etc. 2. to estimate or make appear to be of the least possible amount, value, or importance —*SYN.* see *DISPARAGE* —*min'i-miz-a-tion* *n.*

min-i-mum (mín'im) *n.* [*pl.* -mima, -ma (-mē) [*L.* *neut.* of *minimus*, least, superl. < base of *minor*, MINOR] 1. the smallest quantity, number, or degree possible or permissible 2. the lowest degree or point (of a varying quantity, as temperature) reached or recorded; lowest limit of variation 3. *Math.* the smallest of a specified set of real numbers —*adj.* 1. smallest possible, permissible, or reached 2. of marking, or setting a minimum or minimums

minimum wage 1. a wage established by contract or by law as the lowest that may be paid to employees doing a specified type of work 2. *same* as *LIVING WAGE*

min-ing (mín'ing) *n.* 1. the act, process, or work of removing ores, coal, etc. from a mine 2. the act or process of laying explosive mines

min-ion (mín'yan) *n.* [*Fr.* *minion*, favorite, darling; see *MINION*] 1. a favorite, esp. one who is a fawning, servile follower; term of contempt 2. a subordinate official, deputy, or the like 3. [*Obs.*] a mistress or paramour 4. Printing a size of type, 7 point —*adj.* [*Rare*] delicate, dainty, etc.

min-ion of the law *same* as *POLICEMAN*

min-i-cule (mín'ē sky'kūl) *adj.* erroneous sp. of *MINUSCULE*

min-i-leh (mín'ē lē) *v.* [*ME.* *minuisschen* < *OPr.* *men-issier*, to lessen, make small < *VL.* *minuissare* < *L.* *minuissare*, MINUTE] [*Archaic*] to make or become less, smaller, inferior, etc.; diminish

min-i-ute (mín'ē tū) *n.* [*ME.* *minuete* < *OPr.* *men-issier*, to lessen, make small < *VL.* *minuissare* < *L.* *minuissare*, MINUTE] [*Archaic*] to make or become less, smaller, inferior, etc.; diminish

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min-i-akirt (mín'ē akurt') *n.* [*MINI* + *SKIRT*] a very short skirt ending well above the knee

min-i-ster (mín'ē tər) *n.* [*ME.* < *OPr.* *ministre* < *L.* *minister*, an attendant, servant, in *LL.* (Ec.), Christian preacher < base of *L. minor*, MINOR; formed prob. after *magister*, MASTER] 1. a person acting for another as his agent and carrying out his orders or designs; specif.,

a) a person appointed by the head of a government to take charge of some department b) a diplomatic officer sent to a foreign nation to represent his government, usually one to a less important state and ranking below an ambassador 2. a) anyone authorized to carry out the spiritual functions of a church, usually Protestant, conduct worship, administer sacraments, preach, etc.; clergyman; pastor b) *R.C.Ch.* the superior of certain religious orders 3. any person or thing thought of as serving as the agent of some power, force, etc. (*a minister of evil*) —*vi.* [*ME.* *ministrare* < *OPr.* *ministrare* < *L.* *ministrare*] [*Archaic*] 1. to supply; provide 2. to administer, as a sacrament —*vi.* 1. to serve or act as a minister in a church 2. to give help (*to*); attend to needs

min-i-ster-ial (mín'ē tēr'ē-shəl) *adj.* [*Fr.* *ministeriel* < *LL.* *ministerialis*] 1. of ministry, a minister, or ministers collectively 2. serving as a minister, or agent; subordinate 3. a) having the nature of or characteristic of the administrative functions of government; executive b) designating or of an administrative act carried out in a prescribed manner not allowing for personal discretion 4. being a cause; instrumental —*min'i-ster-i-al-ly* *adv.*

min-i-to-ri-al-ist (-ist) *n.* [*Brit.*] a supporter of the government; ministry in office

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MINK
(17-28 in. long,
including tail)

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pred-ni-some (pred'nə sŏn') *n.* [*< pre(gnase), a steroid hydrocarbon (< PREGNANT + -ANE; found in urine during pregnancy) + DI(I) + (-E)N(E) + (COET)ISONE*] a chemical derivative, $C_{27}H_{48}O_6$, of cortisone, but with fewer side effects, used in the treatment of arthritis and certain allergic and inflammatory disorders

pred-om-i-nant (prĭ dŏm'ə nŏnt) *adj.* [*PI.* *predominans* *< ML. predominans*, *pp. of predominari*; see *PRE- + DOMINANT*] 1. having ascendancy, authority, or dominating influence over others; superior 2. most frequent, noticeable, etc.; prevailing; preponderant —*SYN.* see *DOMINANT* —*pred-om'i-nance*, *pred-om'i-nan-cy* *n.* —*pl.* —*pred-om'i-nant-ly* *adv.*

pred-om-i-nate (prĭ dŏm'ə nŏt) *vt.* [*PI.* *predominate* *< ML. predominatus*, *pp. of predominari*; see *PRE- + DOMINATE*] 1. to have ascendancy, authority, or dominating influence (over others); hold sway 2. to be dominant in amount, number, etc.; prevail; preponderate —*adj.* seems as *PREDOMINANT* —*pred-om'i-nate-ly* *adv.* —*pred-om'i-na-tion* *n.* —*pred-om'i-na'tor* *n.*

pre-elec-tion, **pre-elec-tion** (prĕ'ĭ lek'shŏn) *adj.* occurring before an election —*n.* a choice made in advance

Also *pre'election*

prem-ile (prĕ'mĭ) *n.* [altered *< PREM(ATURE) + -ILE*] [*Colloq.*] a prematurely born infant, esp. one weighing less than 5 1/2 pounds

pre-em-i-nent, **pre-em-i-nent** (prĕ em'ə nŏnt) *adj.* [*ME. < L. praecipuus*, *pp. of praecipere*, to project forward; see *PRE- + EMINENCE*] eminent above others; excelling others, esp. in a particular quality; prominent; surpassing; also *pre-em'i-nent* —*SYN.* see *DOMINANT* —*pre-em'i-nence*, *pre-em'i-nence* *n.* —*pre-em'i-nent-ly*, *pre-em-i-nent-ly* *adv.*

pre-empt, **pre-empt** (-em'pt) *v.* [back-formation *< fl.*] 1. to acquire (public land) by preemption 2. to seize before anyone else can, excluding others; appropriate beforehand 3. *Radio & TV* to replace (a regularly scheduled program) —*vi.* *Bridge* to make a preemptive bid —*Also pre-empt'* —*pre-empt'or*, *pre-empt'or* *n.*

pre-emp-tion, **pre-emp-tion** (-em'pshŏn) *n.* [*< ML. praemptus*, *pp. of praemere*, to buy beforehand *< L. praec-, before* (see *PRE- + emere*, to buy; see *REDEEM*) 1. the act or right of buying land, etc. before, or in preference to, others; esp., such a right granted to a settler on public land 2. action taken to check other action beforehand —*Also pre-emption*

pre-emp-tive, **pre-emp-tive** (-em'p-tiv) *adj.* 1. of or having to do with preemption 2. *Bridge* designating a high bid intended to shut out opposing bids —*Also pre-emp'tive* —*pre-emp-tive-ly*, *pre-emp'tive-ly* *adv.*

preen (prĕn) *v.* [*ME. preenen*, altered (after *ME. preonen*, to prick with a pin *< preon* *< OE. preon*, a pin) *< preinen*, to PRUNE] 1. to clean and trim (the feathers) with the beak; said of birds 2. to make (oneself) trim; dress up or adorn (oneself) 3. to show satisfaction with or vanity in (oneself) —*vi.* to dress up in a fussy way; prink or primp —*preen'er* *n.*

pre-es-tab-lish, **pre-es-tab-lish** (prĕ's tab'lish) *v.* to establish in advance: also *pre'es-tab'lish*

pre-ex-ist, **pre-ex-ist** (prĕ'ĭg zĭst, -ĭk zĭst) *adj.* [*< PRE- + L. exisim, exile + -ic*] of that period of Jewish history preceding the Babylonian Exile (6th cent. B.C.): also *pre'ex-ist*, *pre'ex-ist'-an*, *pre'ex-ist'-an*, *pre'ex-ist'-an* —*pre-ex-ist*, *pre-ex-ist* (-ĭg zĭst') *v.* [*LL. praexistere*] to exist previously or before (another person or thing): also *pre'ex-ist'* —*pre-ex-ist-ence*, *pre'ex-ist-ence* *n.* —*pre-ex-ist-ent*, *pre'ex-ist-ent* *adj.*

pref. 1. preface 2. prefatory 3. preference 4. preferred

pref-er

pre-fab, **pre-fab**' (prĕ'fab') [*Colloq.*] a prefabricated building

pre-fab-ri-cate (prĕ'fab'ri kăt') *v.* -cat'ed, -cat'ing 1. to fabricate beforehand 2. to construct in standardized sections for shipment and quick assembly (a prefabricated house) —*pre-fab-ri-ca-tion* *n.*

pref-ace (prĕ'fās) *n.* [*ME. prefas* *< MFr. < ML. prefatus*, for *L. praefatus* *< praec-, before* (see *PRE- + fatus*, *pp. of fari*, to speak; see *FAME*] 1. (usually *P- R.C.A.*) the introduction to the Canon of the Mass, ending with the Sanctus 2. an introductory statement to an article, book, or speech, telling its subject, purpose, plan, etc. 3. something preliminary or introductory; prelude —*v.* -ac-ed, -ac-ing 1. to furnish or introduce with a preface 2. to be or serve as a preface to; begin —*SYN.* see *INTRODUCTION*

pre-fa-to-ry (prĕ'fə'tŏr'ē) *adj.* [*< L. praefatus* (see *PREFACE*) + -ORY] of, like, serving as, or given as a preface; introductory; also *pre-fa'tŏr'ial* —*pre-fa'tŏr'ial-ly* *adv.*

pre-fect (prĕ'fekt) *n.* [*ME. prefecle* *< OFr. < L. praefectus*, *pp. of praeficere*, to set over; see *PRE- + fere*] 1. in ancient Rome, any of various high-ranking officials or chief magistrates in charge of governmental or military departments 2. in modern times, any of various administrative officials; specif., a) the head of a department of France b) the chief of the Paris police c) the head of a nome in Greece 3. in some private schools, esp. in England, a senior student with authority to discipline

er; get; joy; yet; chin; she; thin; then; sh, leisure; s, ring
& (877); Pr. bal; s, Pr. coeur; s, Pr. feu; Pr. mon; s, Pr. coq
over. * Americanism; † foreign; * hypothetical; < derived from

DEPARTMENT OF ASSESSMENTS
500 - 4TH AVE. ROOM 700A
SEATTLE, WA 98104-2348

OFFICIAL VALUATION CHANGE NOTICE FORM

PARCEL NO. 292605-9021-08 FOR TAXES DUE IN 1988

PLEASE REFER TO THE ABOVE NUMBER WHEN INQUIRING

PRESORTED
FIRST CLASS MAIL
U.S. POSTAGE PAID
SEATTLE, WA
PERMIT NO. 213

FORWARDING AND ADDRESS
CORRECTION REQUESTED

THIS IS <u>NOT</u> A TAX BILL	
OLD VALUE	NEW VALUE
LAND	
245800	1625200
BLDG	
1000	400
TOTAL	
246800	1625600
SEE REVERSE SIDE	

MAILING ADDRESS

CHAUSSEE HARTLEY
11061 N E 124TH
KIRKLAND WA

98033

YOU HAVE UNTIL AUG 18, 1987
TO APPEAL THIS VALUATION.

EXHIBIT U
FILE III-87-22

July 21, 1987

Planning Commission
City of Kirkland
Kirkland, WA 98033

Subject: Amending the Totem Skyline Business Park
Master Plan

I wanted to take this opportunity to emphasize some of my concerns as they relate to testimony and comments made last week.

First, as it relates to the Condition 17 requirement that, "Building facades shall consist predominantly of materials such as wood, masonry, brick, tile or glass. Bare or painted concrete, metal, and reflecting glass shall be minimized." (17e).

Perhaps I can shed some light on the reason why we were so startled to see the cement buildings in the Totem Skyline. During the process of approval of the Master Plan, Mr. Peter Henning sat in our living room and clearly stated that Buildings C, D, and E would have predominately wood exteriors with mansert type roofs, thereby making them consistent with neighboring residential structures. Subsequent to that conversation, Joe Tovar met with the Yeagleys and Siscoes (March 1986). Joe again assured us that the materials to be used would be predominately wood and that the Planning Department was anxious to make certain that these buildings blended with the residential structures bordering the site.

I do not believe the issue is whether the Planning Department, the Planning Commission, or Marycatherine Yeagley find the current buildings aesthetically acceptable or not. The issue is the lack of clarity in the language of the plan which allows for such a wide range of interpretation.

As a result of this, I would like the Planning Commission to instruct the Planning Department to tighten up the language of the Plan and to provide precise clarifications where necessary. It is my understanding that this is not the first time the meaning of such words as "predominately" and "minimize" have come into question. Wouldn't it be nice if it were the last time private citizens had to be shocked by the interpretation?

66 .
Kirkland Planning Commission
Totem Skyline Business Park

July 21, 1987
Page 2

Second, last week Mr. Martenson asked the Planning Department if the property involved in this hearing was, in fact, all the property owned by Mr. Henning, or if the Planning Commission was going to continue to get requests from this developer for variances and property additions to the Master Plan. Jeff Wilson asserted that to his knowledge this was all the property that Mr. Henning owns.

For the record, I would like to expand on that answer. Mr. Henning has options on other properties bordering on this development, including the private residence neighboring us to the east. In addition, the five acre horse farm directly west of us is owned by Mr. Gordon Hoenig. Mr. Hoenig is a land speculator from whom Peter Henning bought acreage for the Totem Skyline project. Mr. Hoenig has indicated he intends to pursue development of the property once the Totem Skyline is further along.

This seriously concerns me because of the patchwork approach to planning utilized by the City of Kirkland. The lack of a sustainable, comprehensive plan for this region of the city encourages land speculation of the magnitude we are experiencing in the 124th/116th corridor.

Finally, based on testimony and questions asked last week, I am still not certain that traffic impacts have been adequately reviewed. There are numerous high density housing and other commercial developments coming on line that will have impact on the 124th and 116th Hiway 405 interchanges. To consider traffic in light of this one project is incomplete planning.

In short, I understand that this hearing is supposed to be concerning itself with the Process III permit to amend certain conditions of the Master Plan and to expand the area included in that Plan. While I am concerned about both those issues, what really drove me to stand before you tonight is real concern over the process. Having done strategic planning in a Fortune 200 company for several years, I am at least familiar with the basic principals of planning. After hearing the confusion over language last week, and the lack of a comprehensive, regional approach to traffic, flooding, and further development in the area, I wonder if maybe the Planning Commission should be looking at the processes and decision making models currently employed by the City.

Kirkland Planning Commission
Totem Skyline Business Park

July 21, 1987
Page 3

For me, some of my concern would diminish if the focus of planning were broader and the process more precise so as to minimize, if not eliminate, the potential for subjective decision making on the part of the Planning Department, the developers, or effected citizens.

Sincerely,

Marycatherine Yeagley
Marycatherine Yeagley

6. Condition No. 17 of the approved Master Plan, File No. III-85-78, shall be replaced with the following:

- a. The City shall review and decide upon the design of the buildings within the Master Plan site as follows:
 - (1) Buildings A, and M shall be reviewed using Process III, Zoning Code Chapter 150.
 - (2) The first building proposed subsequent to final City approval of this application (File III-87-22) other than buildings A, I, and M shall be reviewed by the Planning Commission at a regularly scheduled Commission meeting. Notice of the meeting shall be provided to all parties of record for this application (File III-87-22) at least one week prior to the meeting.
 - (3) All other buildings shall be reviewed by the Planning Official.
- b. Prior to City review of the design of each building, the applicant shall submit the following:
 - (1) Details of all exterior sides of the buildings showing the specific type and area of facade materials and textures to be used (i.e., the percent of glass, bare and/or painted concrete, wood, stucco, tile, brick, etc.).
 - (2) Details of roof treatment and roof-mounted or ground-mounted HVAC units and their screening.
 - (3) Details of building modulation for all sides of the building.
 - (4) Sample color chips, full color renderings and facade material samples for the exterior treatment of the building.
- c. Building I shall be constructed with the same materials, in similar proportions, colors, and textures, as buildings C, D, and E.
- d. Buildings A and M shall be configured in a terracing arrangement so that the lower stories are closest to the property line and the upper stories are furthest from the property line.

- e. Building A shall be reduced in height and shall be redesigned to incorporate terracing and modulation of the building facades which reflect and emphasize the Welcome Hill as a valuable natural feature and important landmark. The applicant may redistribute the floor area to other buildings in the business park, with the exception of buildings F, M, K, O, R, and P.
- f. The design of all buildings, except building I and those which are already constructed, shall meet the following criteria:
 - (1) The use of bare concrete, painted concrete, and metal shall not constitute a total of more than 30 (10, 40, 50?) percent of the exterior building facades. Reflective glass is prohibited.
 - (2) Materials, and colors shall be complimentary to the balance of the structures located outside of the "island" (location of buildings B, C, D, E, and I).
- g. All buildings shall incorporate in their design architectural details, such as window and door proportions, placement, rhythm, and the shape of rooflines, that reflect similar details in buildings C, D, and E.

LAMAR N. OSTRANDER (1912 - 1982)
ROBERT H. VAN EATON (RETIRED)

POST OFFICE BOX 787
505 MARKET STREET, #200
TELEPHONE (206) 822-2288

RALPH I. THOMAS
HARRY R. SLUSHER
JAMES R. PHIPPARD
GAIL GORUD

VAN EATON, THOMAS, SLUSHER AND PHIPPARD

ATTORNEYS AT LAW

KIRKLAND, WASHINGTON 98083

August 27, 1987

Planning Commission
City of Kirkland
123 Fifth Avenue
Kirkland, Washington 98033

Re: Peter Henning/West America (Totem Skyline)

Dear Members of Planning Commission:

You have requested that I attend your September 3, 1987 meeting in my capacity as City Attorney and I will do so.

It is my understanding, that this request arises out two issues relating to the application by West America to amend the Totem Skyline Master Plan. Those two issues, I understand, relate to building facade design (Master Plan condition 17) and wetlands within and adjacent to the Totem Skyline project.

The purpose of this letter is to provide you with my analysis of the condition 17 issue.

Condition 17, as originally approved, reads:

"The City shall review and decide upon the design of buildings A and M, using Process III, Zoning Code, Chapter 155. The design of all other buildings shall be reviewed and decided upon by the Planning Official. Prior to the submittal of any building permits, the applicant shall submit the following for review:

"(a) Details of all sides of the exterior, the buildings showing the exact building materials and textures to be used (i.e., the percent of glass, concrete, wood stucco, wood screen, etc.) . . .

"(d) Sample color chips and color renderings for the exterior treatment of the buildings.

"The design of all buildings must meet the following criteria:

EXHIBIT X
III-87-22

"(e) Building facades shall consist predominatly of materials such as wood, masonry, brick, tile or glass. Bare and painted concrete; metal or reflecting glass shall be minimized . . ."

A property owner or developer is entitled to have conditions of approval, either stated or enforced in such a way that meeting these requirements can be objectively determined.

Unfortunately, condition 17(e), because of its utilization of the words "predominatly" and "minimized", is not so worded. The dictionary definitions for "predominatly" and "minimized" are not altogether helpful, since those definitions include elements of subjectivity. Words such as predominantly or minimize, while appropriate in a statement of policy and/or goals, lack the preciseness of meaning which is essential in regulatory or conditioning language.

Given the foregoing, condition 17(e) must either be applied in such a way that meeting its requirements can be objectively determined or it becomes an unenforceable condition because of vagueness.

A construction of condition 17(e), which would give meaning to the use of the words "predominatly" and "minimized", but which would nevertheless provide objective criteria, would result in re-phrasing the condition to read as follows: A minimum of 51% of the area of a building facade shall consist of materials such as wood, masonry, brick, tile or glass. No more than 49% of the area of a building facade may consist of bare and painted concrete; metal or reflecting glass.

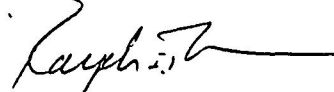
While the United States Supreme Court has stated that aesthetics are a legitimate subject for Land Use Regulation, the Washington State Supreme Court requires any aesthetic regulation to also have, in addition to aesthetic concern, a public health, safety, or welfare justification. The reason for this is the recognition by the Washington State Supreme Court that aesthetic considerations are often times highly subjective and tend not to produce regulations or conditions, the meeting of which can be objectively determined.

The developer in his application to amend the Master Plan, specifically asked for an amendment to condition 17. That being

Planning Commission
August 27, 1987
Page three

the case, any amendment to the existing condition 17 language, that may ultimately be approved by the City Council, will be applicable for all buildings for which building permits are applied, following adoption of the amendment. The original condition 17 language remains applicable as to all buildings that have been constructed or for which building permits have been applied, prior to the adoption of any amendatory language to condition 17, by the City Council.

Very truly yours,



RALPH I. THOMAS

RIT/kk

July 27, 1987

RECEIVED

JUL 28 1987

Mr. Jim Sutter
Chairman
Kirkland Planning Commission
Kirkland Wa. 98033

AM PM
PLANNING DEPARTMENT

Dear Mr. Sutter:

Upon reflection of the Planning Commission's meeting of last Thursday evening, I find that I may not have made my position relating to the Totem Skyline development completely clear.

My main concern is with the drainage problem caused by the diversion of water movement through the wetlands as they are now configured as opposed to their configuration before annexation into the City of Kirkland.

Substantial amounts of fill material were placed on the Knight (Henning) and McDonald (Hoenig) properties by Mr. Hoenig. This was done shortly before annexation into the City. The filling of these properties has caused the diversion of water from its historical path of drainage and as a result the areas directly to the East (my property) and to the South, now retain large amounts of water.

The Summation building has not caused any great impact on my land, and the other three buildings erected by Mr. Henning have not been in place long enough to ascertain if the paved areas associated with them will create enough runoff water to cause additional problems.

There seems to be some question of whose responsibility the solution of the drainage problem caused by the fill lies with. The City says it is a County problem, the County says it is the responsibility of the City, and I'm caught in the middle.

I believe that it is within your power and scope to see that there is no further damage to my property due to the lack of drainage or from further development that will create more water in the wetland area. I on the other hand will vigorously oppose any further development until there is a satisfactory solution to this problem.

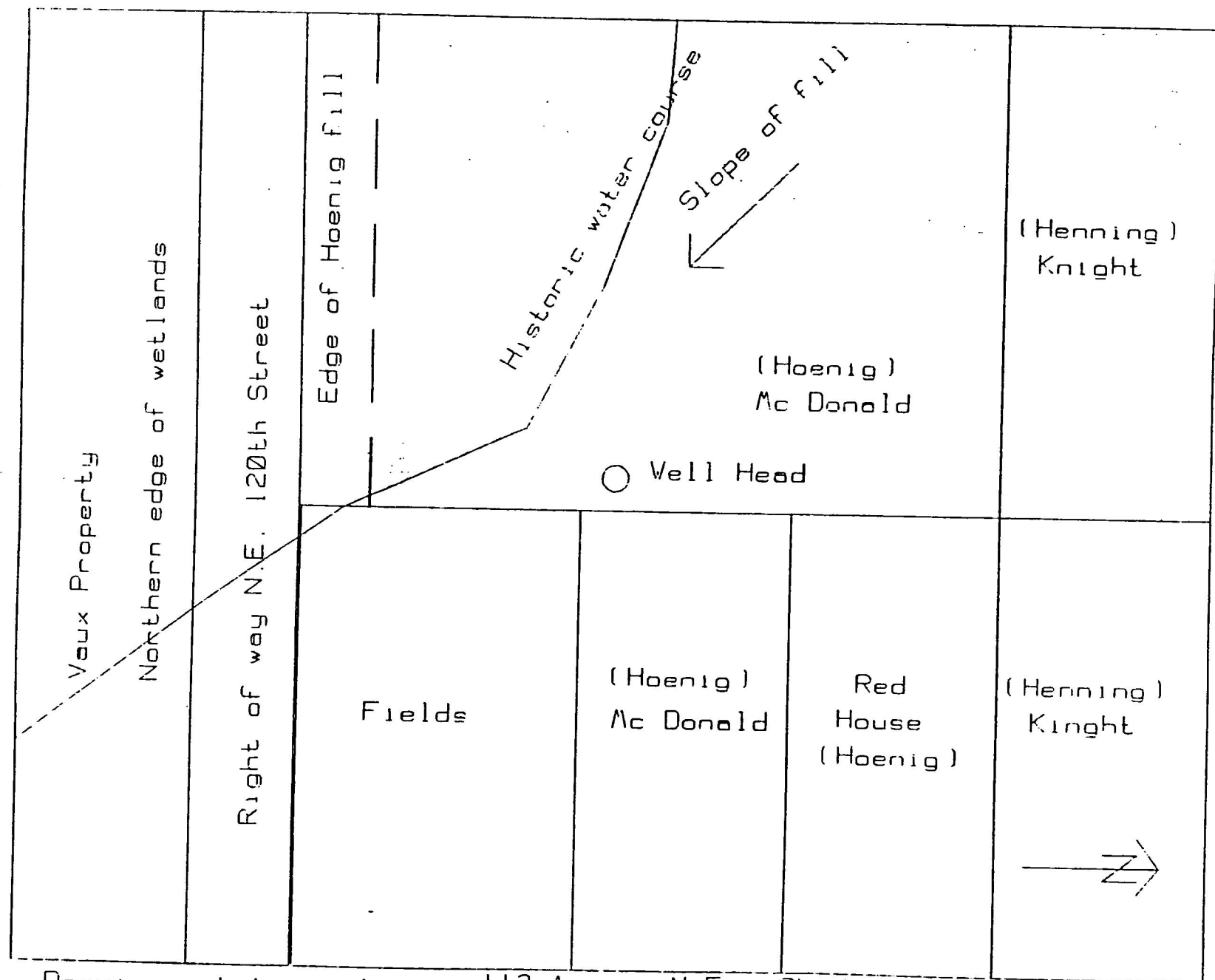
The attached exhibit shows the fill area shaded. The well head is a graphic demonstration of the amount of fill that has been placed. Before filling was done the well head was at ground level. It is now located at the bottom of the length of culvert pipe used to protect it when the fill was done. Historically, the McDonald (Hoenig) property sloped away from and was well below the level of my property. It now slopes into and is above my property. I believe you can see that any development of the Knight or McDonald properties will only serve to increase the existing problem.

Sincerely,

David O. Fields

David O. Fields

EXHIBIT Y
III-87-22



Drawing not to scale

113 Avenue N.E.

Shaded area indicates fill

LIST OF EXHIBITS

EXHIBIT #1 SHOWS PROPERTY BEFORE FILLING WAS DONE.

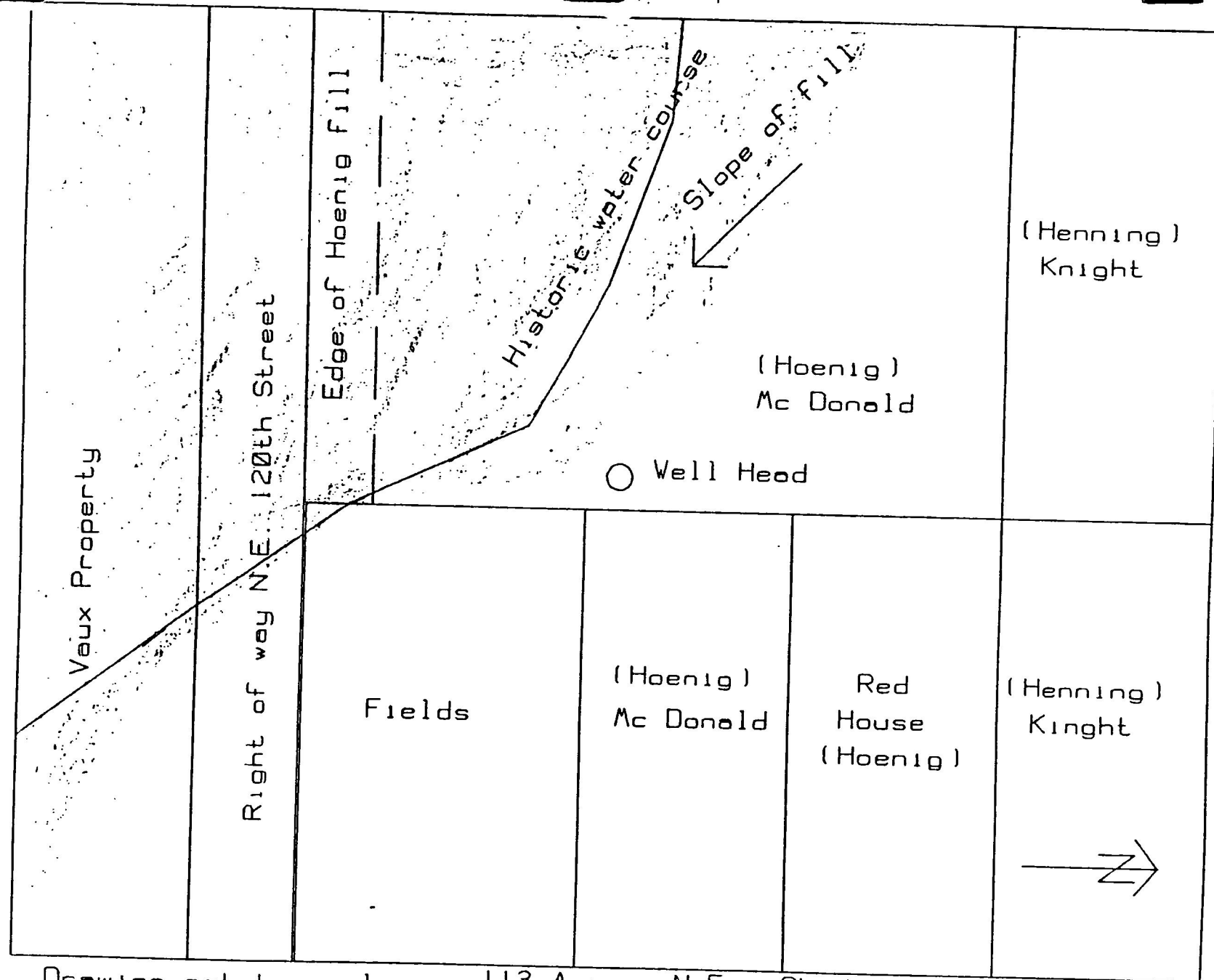
EXHIBIT #2 SHOWS WHERE FILL WAS PLACED ON THE Mc DONALD (HOENIG) PROPERTIES.

EXHIBIT #3 SHOWS TOPOGRAPHICAL REPRESENTATIONS OF EFFECTS OF FILLING ON FIELDS PROPERTY.

EXHIBIT #4 IS THE ORIGINAL MAP SENT TO MR. SUTTER AND THE KIRKLAND PLANNING COMMISSION.

EXHIBIT #5 IS THE LETTER SENT WITH EXHIBIT #4 TO MR. SUTTER.

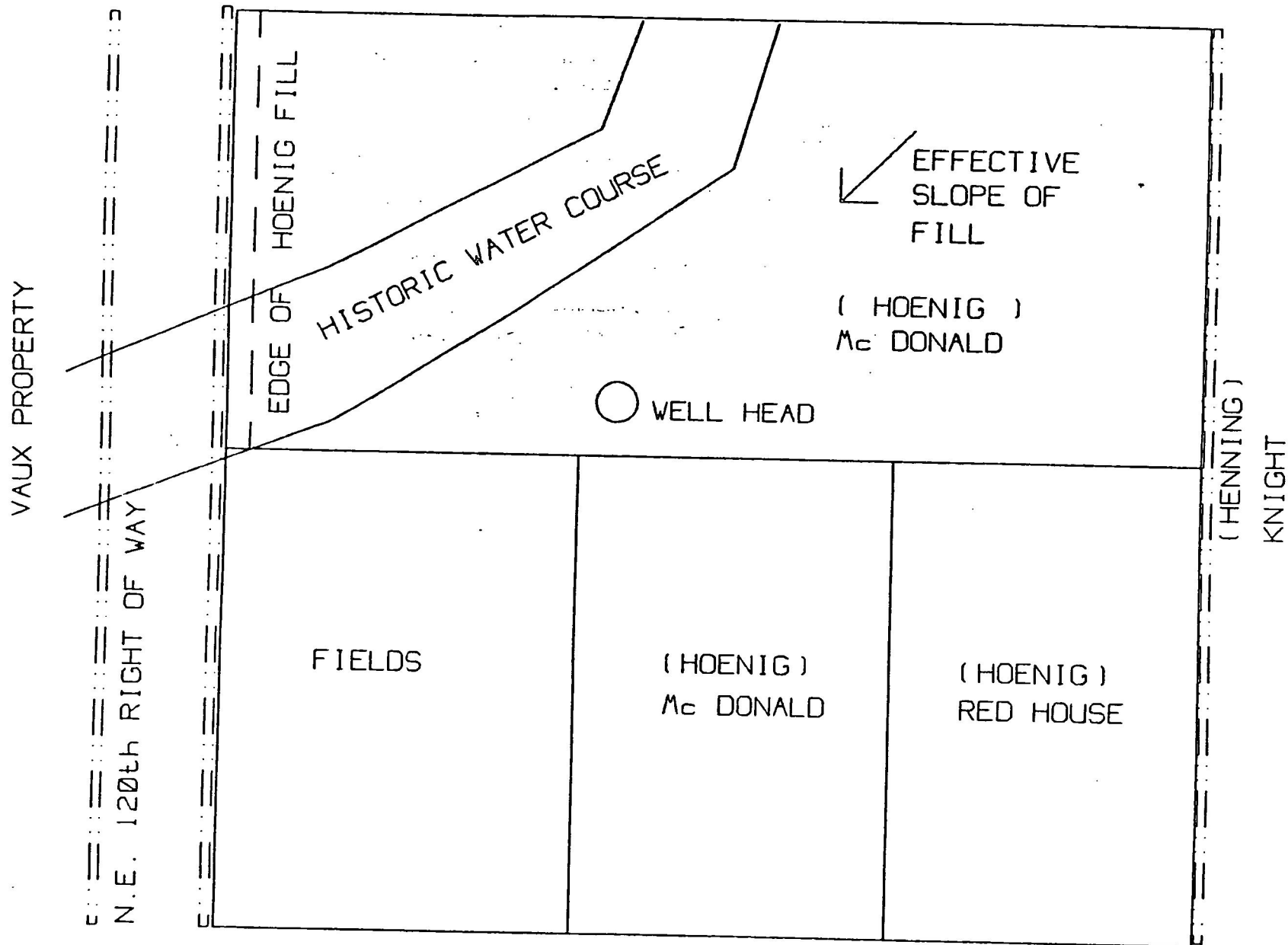
ALL EXHIBITS ARE ARRANGED IN ORDER LISTED.



Drawing not to scale

113 Avenue N.E.

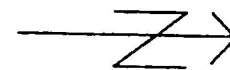
Shaded area indicates
Original wetland area



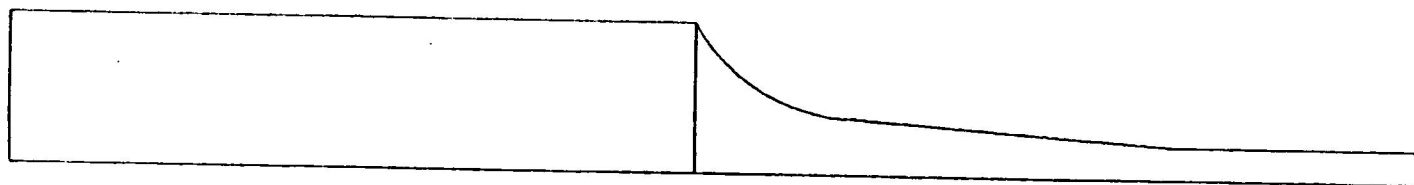
DRAWING NOT TO SCALE

SHADED AREA INDICATES FILL

113 AVE. N.E.



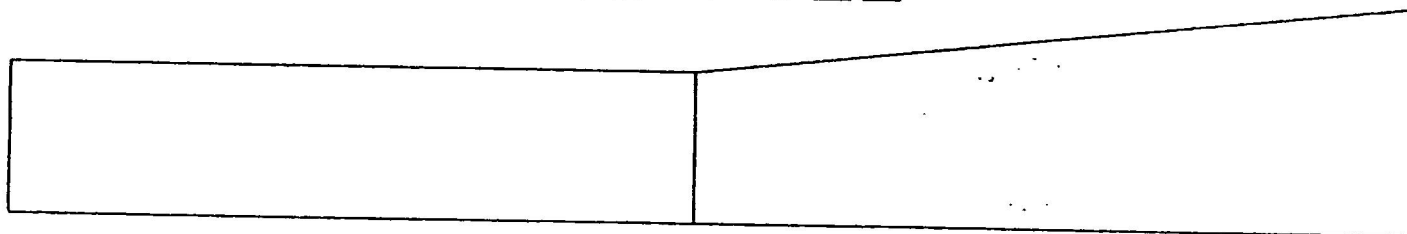
TOPOGRAPHICAL SECTIONS →
BEFORE HOENIG FILL



FIELDS

(HOENIG)
McDONALD

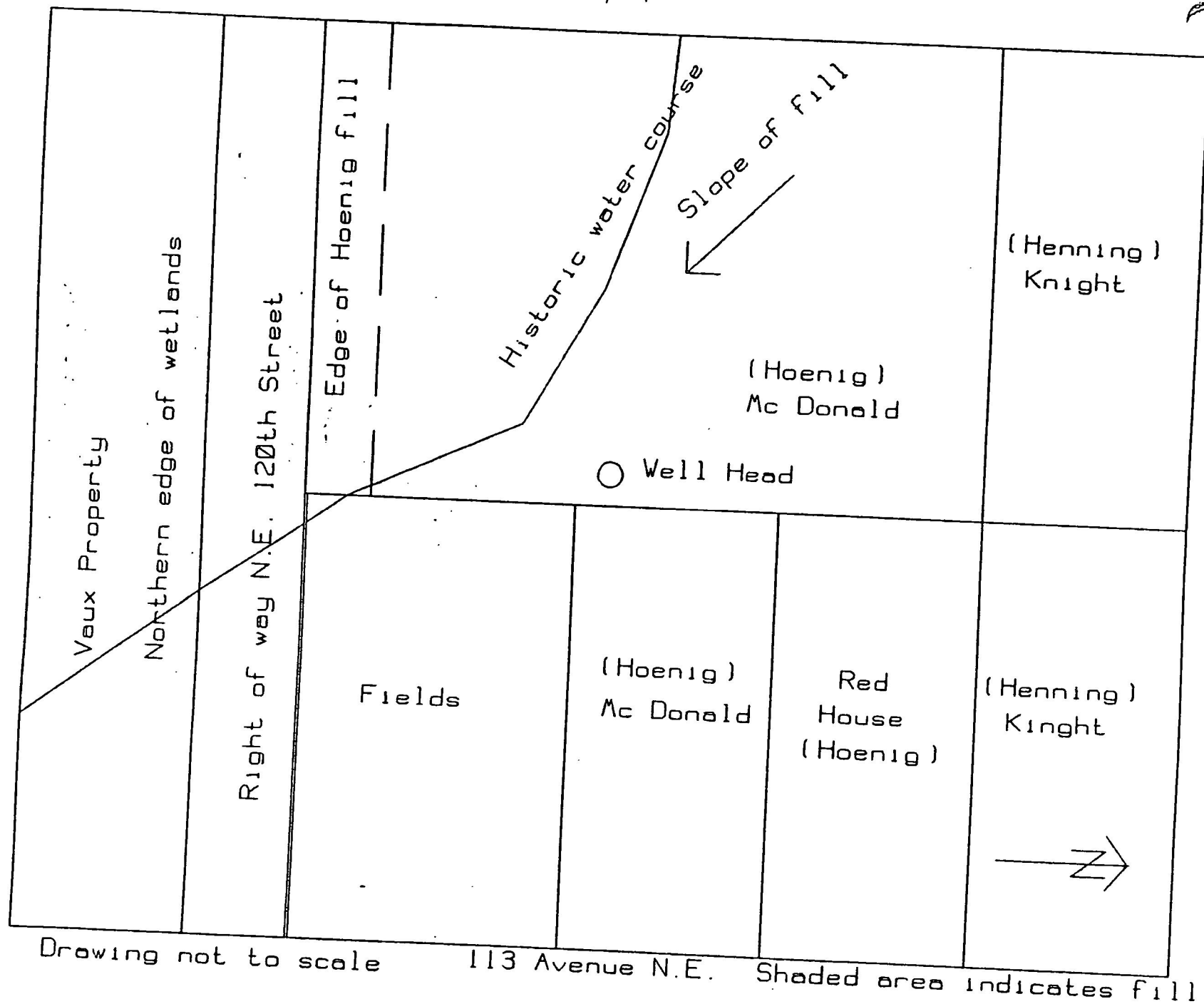
AFTER HOENIG FILL



FIELDS

(HOENIG)
McDONALD

DRAWING NOT TO SCALE



July 27, 1987

Mr. Jim Sutter
Chairman
Kirkland Planning Commission
123 5th Ave.
Kirkland, Wa. 98033

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David O. Fields