

**CITY OF KIRKLAND HEARING EXAMINER  
FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION**

**EvergreenHealth Campus Master Plan  
Process IIA Review, ZON23-00087**

**May 24, 2024**

**1. FINDINGS OF FACT**

**1.1 Proposal.** Master Plan update for EvergreenHealth Campus. The update includes about 500,000 square feet of new construction on a 37-acre medical campus. The improvements include a Medical Office Building/Surgery Center, Central Utility Plant, parking garage expansion, North Inpatient Tower, and Medical Office Building near the DeYoung Pavilion.

**Applicant:** EvergreenHealth, c/o Brad Berger of NBBJ

**Property Owner:** King County Public Hospital, address just below

**General Site Location:** 12040 NE 128<sup>th</sup> Street, Kirkland, WA 98034

**1.2 Zoning and Surrounding Uses.** The campus has five zones:

- TL 3A, Main Campus
- TL 3B, South Campus
- TL 3C, East Campus
- TL 3D, North Campus
- TL 1B, Northwest Campus

In the TL 3 zones, hospital, medical outpatient facility and ancillary uses including food services, retail sales, office and daycare are permitted. The TL 1B zone allows office use. Residential and office uses, including senior living, surround the site.

- North: TL 1 B and RM 1.8 zones - Offices and Evergreen Heights Apartments
- East: PR 1.8 and RM 1.8 zones - Ashbury Park Apartments and Totem Lake Heights Apartments
- South: TL 2 and PR 1.8 zones - Jefferson House Memory Care, Madison House Senior Housing, and the Upper Totem Lake Mall
- West: TL 1A - Offices

**1.3 Land Use History.** Voters approved the King County Public Hospital District #2 in 1967. Evergreen General Hospital opened in 1972 and was renamed several times and is now EvergreenHealth. The City Council approved a master plan in 1990, with multiple zoning and master plan amendments following. The 2017 master plan amendment lapses in 2026.

**1.4 State Environmental Policy Act, Ch. 43.21C RCW (“SEPA”) Review.** The Department completed SEPA review, issuing a Mitigated Determination of Nonsignificance, or MDNS, which was not appealed.<sup>1</sup> The transportation analysis forecast 2029 and 2033 conditions. It included background growth rates, project traffic, and traffic pattern changes with the I-405/132<sup>nd</sup> interchange. The analysis included weekday AM and PM peak hour analysis and identified mitigation at one intersection.<sup>2</sup>

To mitigate the impacts on the intersection, the applicant’s transportation engineer proposed changing the eastbound left-turn signal phase at NE 128th Street/120th Avenue NE from a permissive flashing yellow left-turn arrow signal phase (allows drivers to turn left, but yield to opposing through traffic) to a protected plus permissive phase (provides a green left-turn arrow prior to a flashing yellow left-turn arrow to drivers turning left). The proposed improvements will maintain a LOS-E but improve the signal control delay in 2029 from 80 seconds to 61 seconds. The proposed improvements will improve the intersection level of service from LOS-F to LOS-E with 74 seconds of signal control delay in 2033.<sup>3</sup>

**1.5 Public Comment for Administrative Review.** The public comment period ran from May 3 - May 29, 2023. No comments were received before the Staff Report issued.

**1.6 Administrative Record.** The Staff Report (Exhibit A), with Attachments 1-19; Exhibit B (Applicant’s Power Point); Exhibit C (Department’s Power Point); and Exhibit D (three public comments) were admitted. The Examiner completed a site visit on May 22. The visit is not evidence but provides context for the evidence received.

**1.7 Written Public Comment Submitted for the Hearing.** Three comments were submitted. Christopher Biusik stated he is “a local resident of the neighborhood across from Evergreen hospital” and is “deeply concerned about the traffic increase that will occur during construction. What is the plan to mitigate it?”<sup>4</sup> Lisa Puliafico explained that she is “the HOA Board President of the Salish Village Condominiums which are connected to the empty lot where I believe the new Surgery Center will be built.” She identified concerns about “the level of noise, debris, increase in traffic through our community, unauthorized parking in our lots, and overall disruption to our Building G residents for the duration of the construction project.”<sup>5</sup> Johnny Leong commented that “I live in the JADE Condo across the street from the Evergreen Hospital Campus. I want to know how the City of Kirkland is going to keep this major construction from impacting my family's quality of life living there. I am concerned about the noise, traffic, pollution, and access (in leaving and entering my home).”<sup>6</sup>

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<sup>1</sup> Exhibit A (Staff Report), Attachment 9.

<sup>2</sup> Exhibit B (Applicant Power Point), pp. 32-36; Exhibit A (Staff Report), Attachment 9 (MDNS, with Traffic Analysis attached to SEPA Checklist).

<sup>3</sup> Exhibit A (Staff Report), Attachment 9 (MDNS, Supporting Memo dated 12/15/23), p. 2. In addition, traffic impact fees are required. “The preliminary fee was estimated to be \$6,204,700” but is “calculated based on adopted rates at the time of building permit issuance.” Exhibit A (Staff Report), Attachment 9 (MDNS), TIA at p. 55.

<sup>4</sup> Exhibit D, Public Cmt. 1 (Comment, Chris Biusik).

<sup>5</sup> Exhibit D, Public Cmt. 2 (Comment, Lisa Puliafico).

<sup>6</sup> Exhibit D, Public Cmt. 3 (Comment, Johnny Leong).

**1.8 Public Hearing.** The Examiner conducted the public hearing in person and remotely on May 16, 2024. For remote participants, access information was provided to allow citizens to join via video link or telephone. There were no reported technical difficulties during the call or afterwards. However, in case any citizens who wished to comment had difficulty calling in, the record was kept open through day end. No additional comments were received.

At the hearing, the Applicant, through CEO Dr. Palazzo, provided background on the medical facility's history, the medical need for the Master Plan amendment, and addressed development scope and compatibility with the surrounding community. The facility has limited bed capacity so does not meet Department of Health 70% capacity targets. The expansion would help address this issue. Also, due to the age of several buildings, seismic upgrades are needed. Applicant architect Molly Wolf, with NBBJ, provided additional detail on the proposed projects within the three expansion areas. Michael Swenson, a traffic engineer at the Transpo Group, addressed traffic impacts and analysis.

Two citizens testified. Dr. Jane Boyajian spoke. She is a resident and owner at Jade Condominiums on 128<sup>th</sup>, which has just over 100 condo units, and is next to Bower Apartments, just south of the campus. She stated her comments echo those of many residents. They are not opposed to the expansion as many use the facility and value its presence. But they are concerned about traffic and pedestrian safety impacts. She stated that exiting the condo complex is a challenge at rush hour. At the beginning of the day, it's difficult to turn to the west to get past the transit center and to the I-405 corridor. To the right, it's difficult to navigate through the village given lane narrowness. She stated she is particularly concerned about construction. It is already difficult to safely leave the area and construction trucks will complicate this for drivers and pedestrians. She questioned whether the one traffic light will suffice. Post-construction, her concern is that the drive to limit single occupancy drivers by limiting parking will translate to overflow parking. She explained that the village has no overflow capacity during peak periods, particularly during the lunch period, and the new residential communities being built will exacerbate the situation. She emphasized that while on paper impacts may appear to have been addressed, the reality on the ground is there are serious traffic and safety challenges.

Lydia Rapidah, a condo owner and resident at Salish Village, had several questions related to the proposed Surgery Center/Medical Office Building proximate to her residence. She wanted to confirm the 60-foot building will be four floors. She was concerned about view blockage, privacy (views to inside condo units), air movement (impact to fresh air flow into her unit), and wanted to know about noise impacting the community, particularly where Building G is located, and including noise associated with the underground parking.

After the Department's initial summary and public comment, Mr. Leavitt provided information on citizen questions. He stated the Medical Office Building/Surgery Center would be four stories (15' per floor). Noise<sup>7</sup> and view impacts will be focused on during Design Review through tree retention and landscaping, which provides buffering. There are large trees on the north property line, so the retention plan would focus on keeping more of them and supplementing the

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<sup>7</sup> See also KZC 115.25 for construction hour regulations.

trees with a landscaped buffer to help screen the building. He emphasized the buildings must go through Design Review, which he encouraged neighbors to participate in.

The Department earlier provided information on traffic impact mitigation in response to written comment.<sup>8</sup> Analysis on transportation, noise, construction, parking, traffic, pollution and access, was provided through the Staff Report and the issues are further considered below. On construction traffic, *see* Finding 1.13, Conclusion 2.5, and Condition 21.

**1.9 Design Review.**<sup>9</sup> Master plans must include analysis on design concept consistency with code design principles and Totem Center Comprehensive Plan policies. Buildings should provide pedestrian friendly features along rights-of-way and human scale elements where development exists at campus edges. The relationships of buildings to adjacent rights-of-way and to neighboring uses should ensure appropriate transitions, using landscaping or building elements of a similar scale as neighboring uses.<sup>10</sup> The Master Plan includes Design Objectives and Design Guidelines that the Design Review Board will use in reviewing development. These Guidelines are based on the Design Guidelines for Pedestrian Oriented Business Districts.<sup>11</sup> The four new buildings and the parking garage vertical expansion will undergo Design Review.<sup>12</sup>

**1.10 Natural Features/Significant Landscaping.** Tree retention focuses on “high retention value trees” (tree in groves, landmark trees and viable trees in required yards, landscape buffers and/or common open space) and “moderate retention value trees” (a viable tree that is not a high retention value tree). An arborist report and retention plan inventoried impacted trees.<sup>13</sup> The inventory addressed size, condition, viability, and retention value and included a general area of disturbance plan for each project, which the City’s Urban Forester reviewed. Landmark trees and tree groves were identified in Area 1 to be removed by the proposed Medical Office Building/Surgery Center building and parking lot. In Area 2, one tree (#237) is part of a grove proposed for removal as part the parking garage addition. In Area 3, three trees that are part of a grove (271, 273, and 274) are proposed for removal as part of the Medical Office Building project. In Area 4, a grove east of the North Patient Tower and a grove near the proposed Central Utility Plant may be impacted. To retain landmark trees and tree groves, the City’s Urban Forester proposed alterations. They were not objected to and should be included as stated in Condition 16.<sup>14</sup>

**1.11 Transportation Concurrency.** The Public Works Department issued a traffic concurrency test notice.<sup>15</sup> The certificate of concurrency is issued when a development or building permit is issued to an applicant holding a valid concurrency test notice. The test notice expires in one year, but extensions are available before the six-year expiration date, at which point re-application is required. In documenting concurrency compliance, Public Works outlined the right-of-way dedication and public improvements required for each use within the Master Plan. The requirements are based on current standards and could change over the master plan’s duration.

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<sup>8</sup> Exhibit D, Public Cmt. 1 (Comment, Chris Biusik).

<sup>9</sup> KZC Section 55.27.010, Special Regulation 11

<sup>10</sup> KZC 55.27.010, Special Regulation 10.

<sup>11</sup> Exhibit A (Staff Report), Attachment 16; *see also* Attachment 2 (Master Plan), pp. 3-9.

<sup>12</sup> KZC Section 142.15.1.a (reviews new buildings greater than one story or 10,000 square feet of gross floor area).

<sup>13</sup> Exhibit A (Staff Report), Attachment 18.

<sup>14</sup> KZC 95.30.5.

<sup>15</sup> Exhibit A (Staff Report), Attachment 10.

**1.12 Transportation Management Plan.** The Master Plan includes a TMP which Public Works approved.<sup>16</sup> The TMP aims to reduce trip generation and parking demand by reducing employee single occupancy vehicle trips. Within 30 days of approval of the Master Plan, the Applicant records the TMP with King County.

**1.13 Construction Traffic.** Master Plan development is phased, which will help with reducing cumulative construction associated traffic conflicts. “Table 3 identifies the potential sequencing of phased construction from 2023 through 2033.”<sup>17</sup> Also, projects “over 12,000 SF of additional space, changes in the use of over 12,000 SF of existing space, or the addition of more than 40 parking spaces shall require further traffic and parking analysis.”<sup>18</sup> And, for individual construction projects, Public Works may require a Temporary Traffic Control Plan.<sup>19</sup>

**1.14 Signage.** The campus has an approved Master Sign Plan (PCD File No. PSN12-01428), with a 2015 Minor Modification. Future signage must follow the approved Master Sign Plan, as amended by the City.<sup>20</sup>

**1.15 Noise, Generally.** In addition to the landscaping and tree screening the Department described at the public hearing, which provides sound attenuation, and construction operation hours, the City regulates noise more generally. “Any noise, which injures, endangers the comfort, repose, health or safety of persons, or in any way renders persons insecure in life, or in the use of property is a violation of this Code.”<sup>21</sup>

**1.16 Staff Report Incorporation and Conditions.** The Staff Report is incorporated as supplemental findings. Staff Report conditions should be included without substantive revision, other than adding a condition on construction traffic management, to ensure code consistency.

## 2. CONCLUSIONS OF LAW

**2.1 Hearing Examiner Jurisdiction and Review Criteria.** The Hearing Examiner conducts a public hearing and issues the decision in a Process IIA review.<sup>22</sup> The proposal is only approved if the Applicant demonstrates consistency with these criteria:

- a. It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
- b. It is consistent with the public health, safety and welfare.<sup>23</sup>

**2.2 Regulatory and Plan Consistency.** The project follows City development regulations.<sup>24</sup> The Staff Report, including at Attachment 3, documents regulatory consistency. Code requirements, including those addressing landscaping and tree protection, parking, height, transportation requirements (including concurrency), setbacks and buffering, are met, as further addressed below. No area was identified lacking regulatory coverage, but the project also follows the Comprehensive Plan. The Totem Business District and Urban Center Land Use Map designates

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<sup>16</sup> Exhibit A (Staff Report), Attachment 17; KZC 55.27.010, Special Regulation 10.

<sup>17</sup> Exhibit A (Staff Report), Attachment 2 (Master Plan), p. 16.

<sup>18</sup> Exhibit A (Staff Report), Attachment 2 (Master Plan), p. 60.

<sup>19</sup> See e.g., Department of Public Works Pre Approved Plans Public Policy R-29.

<sup>20</sup> KZC 55.27.010, Special Regulation 7.

<sup>21</sup> Exhibit A (Staff Report), Attachment 3 (Regulations), p. 3.

<sup>22</sup> Ch. 150 KZC; KZC 150.40.

<sup>23</sup> KZC 150.65.3; KZC 150.50.

<sup>24</sup> Exhibit A (Staff Report), Attachment 3, identifying various development standards.

the site as an institution use.<sup>25</sup> Under Comprehensive Plan Policy TL-29.2, future campus development should follow a City reviewed master plan, which includes future development plans and provides for directing taller buildings towards the site's center to ensure compatibility with neighboring uses and improving pedestrian access within the campus and to neighboring uses, particularly the transit center and Totem Lake Mall.

**2.3 Public Health, Safety, and Welfare.** The Master Plan revisions support the campus improvements and provide needed health care services and hospital bed space.

In 2022, EH averaged 83% occupancy, with 98% of our days above the targeted occupancy rate of 70%. In 2023, additional licensed bed capacity was approved by Department of Health, which decreased our overall occupancy rate to 80%, but kept our days above target occupancy still high at 92%.<sup>26</sup>

Master Plan goals include:

- Guide development ... to meet the healthcare needs of the growing communities served ... through 2034.
- Establish (update) the framework to provide ... for .. growth on campus beyond 2034.
- Promote an environment that supports the community, with a patient centered approach to healthcare.
- Contribute to the strength and vitality of the Totem Lake Business District and ... Kirkland.
- Provide a strong sense of identity within the community.
- Develop the campus in a manner compatible with neighboring uses and our environment.<sup>27</sup>

To achieve these goals, the Applicant designed a plan which considers community health care needs and neighboring land uses, complies with development regulations, and follows the Comprehensive Plan. The Master Plan is consistent with the public health, safety, and welfare.<sup>28</sup>

**2.4 Master Plan Components.** The Master Plan must contain:

- a. A conceptual site plan which shows the approximate location and size of all known and potential future development.
- b. An estimate of trip generation based on projected uses and trip rate, approved by the City, must be provided with the Master Plan. The trip rate shall reflect only those trips generated by the hospital. Trips associated with the operation of a transit center shall not be included in the total trips under this special regulation. Specific trip generation and traffic analysis must be provided with subsequent building permits.
- c. A proposed phasing plan for development of the campus, describing which of the proposed improvements will be included with each phase.
- d. Proposed sub-areas for the campus. The following elements are to be addressed by sub-area:

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<sup>25</sup> Exhibit A (Staff Report), Attachment 19.

<sup>26</sup> Testimony, Dr.Palazzo; Exhibit B (Applicant Power Point), p. 6.

<sup>27</sup> Exhibit B (Applicant Power Point), p. 11.

<sup>28</sup> Testimony, Dr.Palazzo; Exhibit B (Applicant Power Point).

1. Anticipated uses.
2. Maximum building height (including penthouses and rooftop mounted equipment).
3. Minimum building setbacks from property lines and/or edges of easements.
4. Guidelines for stepping back taller building elements from the perimeter of the campus.
5. Areas of buffers and landscaping.
6. Estimated building square footage.
7. Maximum lot coverage.
8. Open/green spaces – location and proposed activities to occur in these spaces. The use of green roofs is encouraged and will be considered in the evaluation of open and green spaces on the campus.
9. Vehicular and pedestrian access points and through ways. Connections to the Totem Lake Mall and the transit center should be included in the plan. The plan should also explore options for providing pedestrian connections across the site.
10. Parking – number of stalls and location.
11. Lighting – specific standards to limit the impact of internal and external light sources on off-site areas.<sup>29</sup>

**2.5 Site Plan, Transportation and Phasing.** A conceptual site plan shows the location and size of proposed development.<sup>30</sup> During SEPA review, trip generation was calculated and mitigation imposed.<sup>31</sup> A phasing plan describes each phase’s improvements.<sup>32</sup> The Master Plan subareas are based on current campus zoning and show planned development locations. The site plan and phasing were adequately addressed, and traffic impacts have been mitigated through the SEPA review and other measures. To address public comment on construction traffic, it should be clarified that a Temporary Traffic Control Plan will be required for projects subject to Design Review Board review to address construction traffic management. *See Condition 21.*

**2.6 Uses.** The TL 3 zones permit “Hospital, Medical Outpatient Facility and Ancillary Uses Including Food Services, Retail Sales, Offices and Daycare” uses. Existing uses include a hospital, medical outpatient facilities, and ancillary uses including office uses, food services, retail sales, and daycare uses, with a transit center. Proposed uses include hospital, outpatient facility, other medical support and ancillary uses including food services, retail sales, offices, and daycare uses, along with a new ancillary use (the central utility plant). Parcel 282605-9203 (130xx 120<sup>th</sup> Avenue NE) was added with the 2017 Master Plan Minor Modification in the TL 3D subarea, and rezoned to TL 1B, which allows office uses. Its surface parking lot serves TL 3B zone medical office uses.<sup>33</sup> The uses are permitted.

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<sup>29</sup> KZC 55.27.010, Special Regulation 9.

<sup>30</sup> Exhibit A (Staff Report), Attachment 2 (Master Plan), pp. 13-14.

<sup>31</sup> Exhibit A (Staff Report), Attachment 9 (MDNS).

<sup>32</sup> Exhibit A (Staff Report), Attachment 2 (Master Plan), pp. 15-16.

<sup>33</sup> KZC 105.40.2.

## 2.7 Height.

**2.7.1 TL 3A Zone.** Development within the south 100 feet of TL 3A, east of the hospital parking garage driveway and west and north of the curb along 124th Avenue NE, is limited to 75 feet. Elsewhere in TL 3A, building heights may be increased up to 150 feet based on: (1) Surrounding residential area impacts; (2) Taller building step backs from TL 3 perimeters, away from adjacent residential zones; (3) Territorial view impacts from public streets; and (4) Rooftop appurtenance impacts on residential areas and public views. Medical building rooftop appurtenances are limited to 15 feet and 50% of the rooftop.

The North Inpatient Tower is 150 feet tall with rooftop appurtenances that do not exceed 15 feet or 50 percent of the rooftop. An analysis considers shadow impacts on residential property to the east/northeast and territorial views from surrounding public streets. The portion of the tower exceeding 75 feet is about 200 feet from the residential zoned property (along NE 130th Lane) to the east. This is the only residential property the tower impacts.<sup>34</sup> This distance eliminates the need to step the building back from the residential property.

The tower does not significantly change light access, largely due to tree presence. The view analysis shows no impact to the territorial view looking west from NE 130th Lane (at about 250 feet east of the tower). The existing view is blocked by street frontage vegetation. The view analysis shows a minimal impact to the territorial view at NE 130th Lane and 124th Avenue NE, to the tower's east. A small portion of the northernmost portion of the building and rooftop appurtenances are visible looking west. Views could change due to tree growth and redevelopment, particularly given 160-foot height allowances.

As part of the Design Review Board application for the North Inpatient Tower, the applicant should submit an updated view study. If territorial view impacts are identified, the building would use height variations, horizontal modulation, and other techniques to reduce building mass appearance.

The Central Utility Plant (northwest corner of the TL 3A subarea ) will not exceed 30 feet. The parking garage vertical expansion (in the southeast corner of the TL 3A subarea) does not exceed 43.5 feet. Given height compliance, no additional view or building impact study is needed.

**2.7.2 TL 3B Zone.** Heights are limited to 75 feet but may be increased up to 150 feet based on several criteria. The Medical Office Building is limited to 75 feet.

**2.7.3 TL 3C Zone.** The 30 foot height limits may be increased to 60 if buildings are over 100 feet from residential zones, and impacts are considered, with mitigation based on shadowing, transition and lighting impacts. The Medical Office Building/Surgery Center would be 60 feet tall and 100 feet from residential zones to the east and north. Shading impacts would only be in winter. Building impacts to the north are similar to a 30 feet tall building 20 feet from the north property line. Property to the east includes a row of trees about 60 to 120 feet tall that shade the property.<sup>35</sup>

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<sup>34</sup> See Exhibit A (Staff Report), Attachment 11.

<sup>35</sup> Exhibit A (Staff Report), Attachment 12.



**2.7.4 TL 3D Zone.** Heights are limited to 65 feet. Building heights must step back from the adjacent residential zone to the east and the Master Plan must include Design Guidelines addressing transitions. The 2003 Master Plan required buildings within 50 feet of the residential properties to the east be limited to 40 feet. The Medical Office Building would be 65 feet and at least 50 feet from the residential property to the east<sup>36</sup> and the Master Plan Design Guidelines include transitional criteria.

**2.7.5 TL 1B Zone.** The height limit is 30 feet. New projects are not proposed.

**2.8 Setbacks/Stepbacks.** The minimum building setback is 10 feet with an average of 15 feet from perimeter campus property lines and rights-of-way. There are no internal property line setbacks. A minimum 20 foot setback is required where the campus abuts residential zones.<sup>37</sup> Averaging the building setbacks from perimeter campus property lines and rights-of-way allows flexibility in building design and promotes building modulation. To prevent a larger building being placed within 10 feet of a property line, the average required yard or building setback should be measured separately for each building facing a perimeter property line and/or street right-of-way.

There are no stepback requirements for the buildings in the TL 3B, TL 3C, and TL 1B subareas. Within the TL 3A subarea, buildings that exceed 75 feet in height must consider stepback from the perimeters of the TL 3 boundaries and residential zones. Within the TL 3D subarea, any building within 50 feet of the residential property to the east is limited to 40 feet. Outside of this area, the maximum height is 65 feet. The 2003 Master Plan established the stepback requirement; the new Master Plan would continue it.<sup>38</sup>

**2.9 Landscaping/Buffers.** A 15-foot-wide landscape buffer along property lines adjoining residential uses is required.<sup>39</sup> The buffer must include trees, shrubs, ground cover, and fencing to screen campus uses. Fencing is not required adjacent to a right-of-way.

- **TL 3A:** 15-foot-wide landscape buffer along residentially zoned properties on the east part of NE 130th Lane and around part of 124th Avenue NE.<sup>40</sup>
- **TL 3B:** 15-foot-wide landscape buffer along Madison House property to the south.<sup>41</sup>
- **TL 3C:** 15-foot-wide landscape buffer along neighboring residential properties.<sup>42</sup>
- **TL 3D:** 15-foot-wide landscape buffer along the residential use to the east.<sup>43</sup>

As part of each building permit application, the project will need to show compliance with the buffer and landscape requirements of Ch. 95 KZC.

**2.10 Square Footage and Lot Coverage.** The Master Plan proposes 500,000 square feet of new building square footage, for an overall campus increase to 1,575,245 square feet. The proposed space excludes mechanical areas, penthouses, transit center, accessory uses for Metro/Sound Transit and parking garages.

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<sup>36</sup> Exhibit A (Staff Report), Attachment 2 (Master Plan), p. 54.

<sup>37</sup> Setbacks are shown at Exhibit A (Staff Report), Attachment 2 (Master Plan), pp. 35, 42, 48, 53 and 57.

<sup>38</sup> Exhibit A (Staff Report), Attachment 2, p. 52.

<sup>39</sup> KZC 95.42.

<sup>40</sup> Exhibit A (Staff Report), Attachment 2 (Master Plan), p. 35.

<sup>41</sup> Exhibit A (Staff Report), Attachment 2 (Master Plan), p. 42.

<sup>42</sup> Exhibit A (Staff Report), Attachment 2 (Master Plan), p. 48.

<sup>43</sup> Exhibit A (Staff Report), Attachment 2 (Master Plan), p. 53.

- **TL 3A:** Remove 50,000 square feet of the Medical Center to accommodate the 324,000 square foot North Inpatient Tower. Buildout 70,717 square feet of existing shell space.
- **TL 3B:** Construct 78,000 square foot MOB. Alternate location is Subarea 3D.
- **TL 3C:** Construct 148,000 square foot MOB/Surgery Center.
- **TL 3D:** Construct 78,000 square foot MOB. Alternate location is Subarea 3B.
- **TL 1B:** No new building square footage.

The maximum lot coverage is 85%. General lot coverage information shows compliance.<sup>44</sup> During development permitting, the Department will confirm same.

**2.11 Open/Green Space.** The Applicant must dedicate a public access easement across Parcel #692840-0040's eastern side to the City for future development and use as a public park.<sup>45</sup> The area has been improved with a public park with improvements. Additional details on open/green space are in the Staff Report, Attachment 2, but in summary:

- TL 3A: Existing open and green spaces will remain except a portion of open space near 120th Avenue NE and NE 130th Lane will be developed with a Central Utility Plant.<sup>46</sup>
- TL 3B: Existing open and green spaces will not be affected.<sup>47</sup>
- TL 3C: The proposed building will be where a gravel parking and storage lot are.<sup>48</sup>
- TL 3D: Existing open and green spaces will not be impacted by the proposed building.<sup>49</sup>
- TL 1B: No impacts proposed. *See* illustration.<sup>50</sup>

The Master Plan does not impact existing open and green space and meets code.<sup>51</sup>

**2.12 Pedestrian and Vehicle Access.** No vehicular and pedestrian access points are changed in the TL 3B, TL 3D, and TL 1B subareas. In the TL 3A subarea, the NE 130th Lane loading and service driveway will be reconfigured for the North Tower and a new service drive for the Central Utility Plant will be added for building maintenance. The TL 3C subarea includes: (1) a new vehicular access point from 124th Avenue NE for the MOB/Surgery Building; (2) a new pedestrian access from the 124th Avenue NE sidewalk; and (3) a new pedestrian connection between MOB/ Surgery Building and existing Hospice Center.

Public Works reviewed driveway location changes. The proposed service drive for the Central Utility Plant will need to be limited to service vehicles only and the final design and location will need to be reviewed as part of the building permit. The proposed loading and service drive location for the North Tower building and the new driveway for the Medical Office Building/ Surgery building will need to be reviewed as part of the building permit to ensure that the complies with design and sight distance requirements. The Master Plan includes the existing and proposed vehicular and pedestrian access points and through ways. The final design and location of vehicle access points and pedestrian connections will be reviewed at the building permit stage.<sup>52</sup>

<sup>44</sup> Exhibit A (Staff Report), Attachment 2 (Master Plan), p. 19.

<sup>45</sup> KZC 55.27.010, Special Regulation 8; Exhibit A (Staff Report), Attachment 13 (Park Area Easement).

<sup>46</sup> Exhibit A (Staff Report), Attachment 2 (Master Plan), p. 35.

<sup>47</sup> Exhibit A (Staff Report), Attachment 2 (Master Plan), p. 42.

<sup>48</sup> Exhibit A (Staff Report), Attachment 2 (Master Plan), p. 48.

<sup>49</sup> Exhibit A (Staff Report), Attachment 2 (Master Plan), p. 53.

<sup>50</sup> Exhibit A (Staff Report), Attachment 2 (Master Plan), p. 57.

<sup>51</sup> KZC 55.27.010, Special Regulation 8

<sup>52</sup> *See* Exhibit A (Staff Report), Attachment 2 (Master Plan), pp. 27-28.

**2.13 Connections to Totem Lake Mall and Transit Center.** The Master Plan provides pedestrian and vehicular connectivity with Totem Lake Mall and the Transit Center.

EvergreenHealth will provide a pedestrian-friendly environment, which will encourage walking to and from and within the campus, as depicted on Figure 8. All public streets located adjacent and within the campus currently have sidewalks with marked crosswalks at intersections and, where warranted, at mid-block locations. The existing pedestrian connection with the neighborhood east of the campus will be maintained south of the Hospice Center.<sup>53</sup>

Planned improvements would not impair connectivity. “[A]ll existing City streets adjoining, bisecting and providing access to the campus will be retained” and “[n]one of these improvements would have a significant impact on circulation or land use within the EvergreenHealth campus.”<sup>54</sup> The Applicant’s transportation analysis was reviewed by the City, with mitigation imposed through SEPA to address traffic impacts.

**2.14 Parking.** Parking space number be approved with the Master Plan. Based on the parking data,<sup>55</sup> parking demand rates for proposed uses are:

- Hospital Inpatient: 2.01 stalls per 1,000 square feet of gross floor area
- Outpatient: 2.89 stalls per 1,000 square feet of gross floor area
- Hospice: 1.12 stalls per 1,000 square feet of gross floor area

The City’s Transportation Engineer reviewed the parking analysis and concluded calculated parking demand based on the square footage is 3,687 parking stalls.<sup>56</sup> The campus contains 3,002 onsite parking stalls. The Master Plan proposes to add 1,011 parking stalls for a total of 4,013 parking stalls.<sup>57</sup> The Transportation Management Plan provides the Master Plan should not build over 4,013 parking spaces, of which no more than 1,491 parking spaces should be allocated for employee parking. Public comment urged that sufficient parking be provided rather than trying to induce multi-modal transport by making parking difficult as this would create overflow problems. As buildout progresses and additional information on parking is provided, this point should be further considered. At present, the Master Plan identifies the above noted minimum and maximum figures and is supported by traffic engineering analysis.

**2.15 Lighting.** The Applicant must use energy efficient lighting and select, place, and direct light so glare does not extend to adjacent properties or the right-of-way.<sup>58</sup> The Master Plan provides that parking lot lights must be shielded and mounted no more than 20 feet above the parking area. Exterior site lighting shall be selected, placed and directed to avoid glare and minimize light pollution. The distance from residential properties and exterior lighting requirements minimize impacts.<sup>59</sup> At building permit application, a lighting plan will show the location, height, fixture type and wattage of exterior lights consistent with Master Plan and code.<sup>60</sup>

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<sup>53</sup> Exhibit A (Staff Report), Attachment 2 (Master Plan), p. 25; Exhibit B (Applicant Power Point), p. 11.

<sup>54</sup> Exhibit A (Staff Report), Attachment 2 (Master Plan), p. 25; Exhibit B (Applicant Power Point), p. 11.

<sup>55</sup> Exhibit A (Staff Report), Attachment 14 (Parking Analysis); KZC 55.27.010.

<sup>56</sup> Exhibit A (Staff Report), Attachment 15 (Staff Parking Review Memo).

<sup>57</sup> For locations, see Exhibit A (Staff Report), Attachment 2 (Master Plan), p. 30.

<sup>58</sup> KZC 115.85. Washington Energy Code compliance is required.

<sup>59</sup> Exhibit A (Staff Report), Attachment 2 (Master Plan), p. 23.

<sup>60</sup> KZC 115.85.

**2.16 124<sup>th</sup> Avenue NE Roadway/MOU.** A code criterion addresses projects within the 124<sup>th</sup> Avenue NE roadway, south of NE 130<sup>th</sup> Lane, and encourages memorandum of understanding development.<sup>61</sup> The projects within the 124<sup>th</sup> Avenue NE right-of-way, south of NE 130<sup>th</sup> Lane, have been completed so this is not needed.

**2.17 Master Plan Revisions.** Minor variations from minimum required yards and landscape buffers in the Totem Lake Business District zones are permitted through design review. Minor modifications are permitted based on their impact and better fulfillment of policy objectives.<sup>62</sup> A major modification (Process IIA, KZC 150) is required to increase building space above 1,575,245 square feet (total built area excluding parking garages), increase trips to over 21,434 average daily or over 1,527 PM peak hour trips (excluding those trips associated with the transit center and other uses not generated by EvergreenHealth uses), or to increase building height and lot coverage beyond Master Plan allowances. The Master Plan language meets code.

**2.18 Lapse of Approval.** The Master Plan is valid for ten years from the approval date, though extensions may be granted absent major change to zoning or other regulations.<sup>63</sup> Construction must follow zoning and building codes in effect at the time of construction.<sup>64</sup>

### **DECISION**

The Hearing Examiner, pursuant to the above Findings of Fact and Conclusions of Law, approves the requested Master Plan, subject to these conditions:

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 3, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations currently in effect. This attachment does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in the Staff Report, Attachment 3, the condition of approval shall be followed.

2. A new traffic concurrency test application shall be required if an extension is not granted by the Public Works Department within one year of issuance of the concurrency test notice or for any building permit submitted after the six-year expiration date (*see* Staff Report, Conclusion I.E).

3. The proposed Master Plan does not include a plan for housing within the campus. Therefore, any proposal to include housing would not be allowed unless the Master Plan is modified, pursuant to the applicable modification criteria, to allow for housing (*see* Staff Report, Conclusion II.G.3).

4. As part of the Design Review Board application for the North Inpatient Tower, the applicant shall submit an updated view study to identify any potential territorial view impacts from

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<sup>61</sup> KZC 55.27.010, Special Regulation 9d.

<sup>62</sup> KZC 142.37, KZC 142.37.5; KZC 150.145.

<sup>63</sup> KZC 55.27.010, Special Regulations 11c.

<sup>64</sup> KZC 55.27.010, Speculation Regulation 11c.

public streets. If impacts to territorial views are identified, the building shall be designed to avoid impacts to territorial views by varying building height, utilizing horizontal modulation, and/or using other techniques aimed at reducing the appearance of building mass (*see Staff Report, Conclusion II.G.5*).

5. As part of the Design Review Board application, the proposed Medical Office Building project (within the TL 3D subarea) must comply with the guideline to create transition in bulk and scale between the proposed building and the residential uses to the east (*see Staff Report, Conclusion II.G.8*).

6. To work within the existing setback regulations, promote building modulation, and to prevent a potentially larger building structure within 10 feet of a property line, the average required yard or building setback shall be measured separately for each building facing a perimeter property line and/or street right-of-way (*see Staff Report, Conclusion II.G.10*).

7. As part of each building permit application, the project will need to show compliance with the buffer and landscape requirements of KZC Chapter 95 (*see Staff Report, Conclusion II.G.12*).

8. The maximum allowed building square footage for the campus is 1,575,245 square feet. Any increase in the building square footage for the campus above the maximum allowed would require approval of a major modification (*see Staff Report, Conclusion II.G.14*).

9. The final design and location of the proposed vehicular access points and pedestrian connections will need to be reviewed as part of the building permit applications for each project (*see Staff Report, Conclusion II.G.16*).

10. The maximum number of parking stalls permitted on campus is 4,013 parking stalls (*see Staff Report, Conclusion II.G.17*).

11. As required by the Transportation Management Plan, the maximum number of employee parking stalls on campus is limited to 1,491 stalls (*see Staff Report, Conclusion II.G.17*).

12. As part of any building permit application, the applicant shall provide a detailed lighting plan showing the location, height, fixture type and wattage of all proposed exterior lights. The lighting plan shall be consistent with the requirements in KZC Section 115.85 and the Campus Master Plan (*see Staff Report, Conclusion II.G.18*).

13. All signs on the campus must be consistent with the approved Master Sign Plan or future amendments as approved by the City (*see Staff Report, Conclusion II.G.19*).

14. The proposed projects shall comply with the requirements of KZC Chapter 142 and the Master Plan Campus Character and Design Section (*see Staff Report, Conclusion II.G.20*).

15. Within 30 days of approval of the Master Plan, the applicant shall submit a signed Transportation Master Plan (as approved by the City) for recording with King County (*see Staff Report, Conclusion II.G.21*).

16. Within 30 days of approval of the Master Plan, the applicant shall submit the following updates to the Master Plan document (*see Staff Report, Conclusion II.G.22*):

a. Figure 10- TL 3A Subarea Plan map shall be updated to include a callout of the tree groves located near the proposed North Patient Tower, Parking Garage Addition, and Central Utility Plant.

b. Figure 17- TL 3B Subarea Plan map shall be updated to include a callout of the tree groves located near the proposed Medical Office Building.

c. Figure 20- TL 3C Subarea Plan map shall be updated to include a callout to the landmark trees and grove(s) located near the proposed Medical Office Building/ Surgery Center.

The callouts shall state that additional tree retention plan review, pursuant to the tree retention plan standards in KZC Chapter 95, in particular KZC Section 95.30.5, should occur with the subsequent design review process for the building.

17. Master Plan Minor Modifications, including modifications of the development standards other than building height and lot coverage and changes in project descriptions and phasing, are subject to the requirements of Kirkland Zoning Code Section 150.145 (*see Staff Report, Conclusion II.G.23*).


18. A Major Modification of the Master Plan shall be required to increase the total amount of building space above 1,575,245 million square feet (total built area excluding parking garages), increase the total trips to over 21,434 average daily trips or 1,855 Total AM peak trips (excluding those trips associated with the transit center and any other uses not generated by Evergreen Health uses), and/or to increase the building height limits and lot coverage beyond those standards included in this Master Plan. A major modification of the Master Plan must be approved through Process IIA, Chapter 150, KZC (*see Staff Report, Conclusion II.G.24*).

19. The effective period for the Master Plan approval shall not exceed 10 years from the date of the Hearing Examiner approval. An extension to the expiration date for the Master Plan may be granted by the Planning Director if major changes have not been made to zoning or other regulations (*see Staff Report, Conclusion IV*).

20. All construction must be consistent with zoning and building codes in effect at the time of construction, regardless of the duration of the master plan, except for those code provisions that have been superseded or modified by development standards included in the approved Master Plan (*see Staff Report, Conclusion IV*).

21. A Temporary Traffic Control Plan will be required for those development projects which are subject to Design Review Board review to address construction traffic management

Entered May 24, 2024.



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City of Kirkland Hearing Examiner Pro Tem  
Susan Elizabeth Drummond

### **Concerning Further Review**

NOTE: It is the responsibility of the person seeking to appeal a Hearing Examiner decision to consult code sections and other appropriate sources, to determine applicable rights and responsibilities.

The Applicant, or any party who submitted written or oral comments to the Hearing Examiner, which does not include a petition signatory, may appeal this Decision to the City Council. The appeal must be in writing and delivered, along with applicable fees, to the Planning Department by 5:00 p.m., within fourteen calendar days after the postmarked date of this Decision. KZC 150.80. Following any appeal, the City's action in granting or denying this land use permit must be filed within 21 days in superior court. KZC 150.130; Ch. 36.70C RCW, Land Use Petition Act.