



CITY OF KIRKLAND
123 Fifth Avenue, Kirkland, WA 98033 425.587.3000
www.ci.kirkland.wa.us

MEMORANDUM

To: Eric Schmidt, Cascade Design Collaborative, and Andy Loos, SRM Development, LLC

From: Kirkland Cultural Council

Date: December 17th, 2007

Subject: Recommendations for public art at Bank of America/Merrill Gardens project at 101 Kirkland Avenue

The KCC was asked to give recommendations on the public spaces of 2 areas of the site: 1) the NE corner where as a condition of approval for the Merrill Gardens Assisted Living project at 201 Kirkland Avenue (currently under construction), an art piece will be located and 2) the NW corner of the site (the “plaza area”) where the Bank of America building would be redeveloped on the corner in partnership with Merrill Gardens with senior housing above (currently in design review process). Other retail spaces will be located along Kirkland Avenue and Lake Street South.

The KCC has utilized the www.4culture.org artist’s registry to find artists who may be able to assist with these 2 spaces, and those recommendations are below. Please note that we have suggested a number of artists for each of the projects, but we would encourage you to select only three finalists for the NW corner in front of the Bank of America building and three finalists for the NE corner (Merrill Gardens project). A small subcommittee of the KCC would be glad to help you at any stage of this project —vetting the artists, interviewing, assisting with the final selection, etc. Initially, either Tracy Burrows at 425-587-3009 or Julie Reynolds at 425-587-3012 will be your contacts.

NW Corner Plaza

The proposed “plaza” is located at a central corner of Kirkland’s downtown. This provides a great opportunity to create a meeting place and focal point with art. The KCC encourages this developer to consider an environmentally friendly, integrated public art project at this key location and to select one or more artists that have extensive public art experience.

After some discussion, the Cultural Council offered four design concepts to focus on: the framework, the fountain, the floor, and the façade.

Fountain

The current proposal for the plaza is a fountain flowing from a low brick wall creating white noise, bronze turtles spouting water, and stepping stones for children to walk through the water on.

The KCC encourages you to think about a water feature that is more in character with the sophisticated surroundings of this corner. The KCC encourages a more adult-focused concept of the water feature, reflecting the demographic of Kirkland’s citizens and our visitors. Lighting is an important component of this area.

Framework

A pergola or framework that would draw attention to the entrance could add a nice piece of art, while preserving the open space for pedestrian movement, or the addition of tables and chairs for meeting.

Floor

A patterned floor could really draw attention and create a spectacular site, but still allow open space and the possibility of performance art or music to be showcased.

Façade

The KCC encourages the use of integrated art, to minimize cost and to make a piece of art out of the building itself. One way to do this is to have art pieces on the façade of the building or use of decorative door handles, windows, planters etc.

The KCC recommends the following artists for the plaza features:

- John Hoge – Fountain and facade
- David Jacobson - Floor
- Richard Elliott- Floor
- Jean Whitesavage and Nick Lyle – Framework and facade
- Wayne Charbre – Framework and facade

NE Corner facing Merrill Gardens

The Merrill Gardens corner is described as a narrow pathway needing a vertical feature to draw the public down the driveway to the garage entrance and stairway leading to Portsmouth. The Cultural Council agreed with the development team that a vertical piece incorporating lighting would help draw people in and add a nice feature to that corner. The Council would be in favor of a similar project in scale and materials, but that is less representational than the proposal submitted.

The KCC recommends these artists for this piece:

- Julie Berger
- Judith and Daniel Caldwell
- Eric Kaster

We look forward to working with the development team and reviewing your conceptual designs for the plaza area as you further develop the art components of this project. We would like to be a resource as you move forward.

CITY OF KIRKLAND123 FIFTH AVENUE • KIRKLAND, WASHINGTON 98033-6189 • (425) 828-1243

**DEPARTMENT OF PUBLIC WORKS
MEMORANDUM**

To: Janice Soloff, Planner

From: Thang Nguyen, Transportation Engineer

Date: December 26, 2007

Subject: Bank of American Mixed-Use Parking Modification Review

This memo summarizes staff review of the applicant's request for a parking modification.

The applicant is proposing 72 senior housing units with 83 bedrooms, 13,235 square feet (sf) of retail that includes a bank with drive-through, commercial retail and a café.

The applicant is requesting a lower parking requirement for the residential use. The City of Kirkland parking requirement for multi-family is 1.7 stall per unit plus visitor parking. The applicant is proposing to provide 72 parking stalls for the 72 residential senior housing units. However, the residential component of the development could change to other types of multi-family such as apartments or condominiums in the future.

Parking studies within the Kirkland CBD has indicated a demand of 1 stall per bedroom for residential parking and 0.15 additional stall of visitor parking per bedroom unit. Staff recommends that the applicant provide one parking stall per bedroom for the residences (83 x 1.0 stall per bedroom) and 0.15 parking stall per bedroom for visitor (83 x 0.15 stall per bedroom) for a total of 96 spaces (83 + 13).

For the commercial uses, the applicant is proposing to provide parking to meet the City's code requirements. The gross commercial retail floor area is approximately 13,235 square feet. The City's code parking requirement for retail is one parking space per 350 square feet and for restaurant it is one per 125 square feet. The bank (5,720 square feet) requires 16 spaces, the 880 square foot café (if it meets the definition of retail with only 10% seating area) requires 3 spaces and the rest of the 6,635 square foot retail space (including common areas) requires 19 spaces for a total of 38 parking spaces.

The applicant paid \$15,077.53 into the LID 119 for parking mitigation that gives the property a credit of approximately 3 parking stalls. Thus, the net total parking supply needed for the project described above is 131 spaces. (= 96 + 38 - 3).

The applicant is proposing to provide 109 parking stalls. Thus, there is a deficit of 22 stalls. If the café meets the definition for a restaurant use, then there is a 26 stall deficit.

In addition, the 16 parking stalls allocated for the bank use should be made available to visitor parking between 7PM and 6AM.

If you have questions, please contact me at x3869.

William Popp Associates

Transportation Engineers/Planners

(425) 401-1030
 FAX (425) 401-2125
 e-mail: info@wmpoppassoc.com

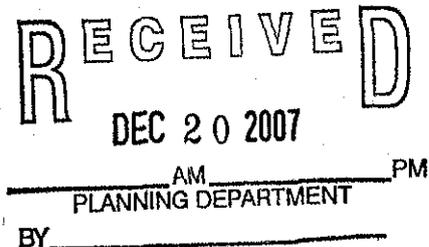
December 20, 2007

To: Janice Soloff
 City of Kirkland

c/o: Andy Loos
 SRM Development

From: William Popp, Jr.
 William Popp Associates

Subject: 101 Kirkland – Bank of America/Merrill Gardens
Re: Parking Modification Study



The following memorandum was prepared to summarize parking demand estimates for the subject mixed use development as part of a Parking Modification Study in compliance with Kirkland Zoning Code Chapter 105.103(3)(c). The modification request aims at reducing the minimum required parking per zoning code for the residential portion of the project only. The commercial retail components of the project will be parked per code.

The project proposal consists of a new mixed-use senior housing/retail development. There will be 72 units of attached senior housing (retirement living) community, 4 stories above grade. The retail element includes a bank, non-specified retail, and a small café. The retail parking will be provided per the City code, which would include a total of 37 parking stalls; 16 for the bank, 15 for the retail, and 6 for the café.

A parking modification is requested for the attached senior housing. There are a total of 72 units proposed with a mix of one and two bedrooms (83 bedrooms in all). Kirkland Code requires 1.7 stalls per unit which would equate to 122 parking stalls. The most recent parking plan includes provisions for 72 stalls for residential.

There is substantial evidence with the Merrill Gardens communities that would support a lower parking requirement. In addition, this study also identifies some comparison rates and argument for a lower rate, and ultimately fewer parking stalls than required.

Merrill Gardens Communities

For previous Merrill Gardens projects including the 201 Kirkland Merrill Gardens Assisted Living development, Merrill Gardens was able to provide data for 66 existing

Parking Modification Study
101 Kirkland – Bank of America/Merrill Gardens
12/20/07
Page 2

assisted living and senior housing residences. Six of these developments are attached senior housing without any assisted living support. The total number of units in these six complexes is 1,043. The data indicates 918 were occupied. The total parking demand at these six was reported to be 414 occupied stalls. Therefore, the weighted average parking demand at these six complexes is 0.45 stalls per unit. It should be noted that the total parking supply for all six sites is 495 stalls. For informational purpose only, the parking supply when compared to the total number of units available equates to a parking supply rate of 0.47 stalls per unit.

It is presumed that the parking demand estimate above includes staff and guests. However, for conservative purposes, if we assume otherwise, i.e., that staff and guests are not included, we then need to add those elements into the parking demand rate.

Unlike some of the other Merrill Gardens developments, and per the design of this project, there will be no need for nor accommodations for any staff support. Therefore, no adjustments to the rate noted above was made to include staff for the residential element of this project.

The guest component is essentially an unknown if it is assumed the residential demand noted above is based solely on residents. As a guideline, the City of Kirkland suggests a parking demand for guests at 10% of total units. Thus, if we assume a demand of 10% parking for guests for the total occupied units from the supporting data, that would equate to 92 stalls (92 guests = 918 total occupied units * 10%).

To sum up, the total estimated conservative parking demand is 506 stalls (414 residents + 92 guests). The subsequent rate would be 0.55 stalls per unit. It is important to note also that this rate assumes that the peak time period for each component of the rate (residents, and guests) occur at similar times. This would be another reason to suggest that the rate is conservative, since it is possible the peak demand for the residents occurs during the evening and early morning hours, whereas the peak demand for the staff and visitors occurs during normal business hours (9:00 AM to 6:00 PM).

According to the existing information provided by Merrill Gardens, it is concluded that a parking rate of 0.55 would be satisfactory in meeting demand for this senior housing project.

In addition to the Merrill Gardens information presented above, William Popp Associates reviewed information from ITE regarding parking demand for senior housing. This is presented below as supplement information in support of a reduced parking demand rate.

Parking Modification Study
101 Kirkland – Bank of America/Merrill Gardens
12/20/07
Page 3

ITE (Parking Generation, 2nd Edition)

The average parking demand rate per ITE *Parking Generation* manual, 3rd Edition for a typical residential condominium/townhome is 1.46 stalls per unit. There is also some limited information for senior adult housing attached which suggest an average parking demand rate of 0.39 stalls per unit. In short, both of these rates are less than the 1.7 rate required by Kirkland for multi-family.

More importantly, the residential units of this building will be rentals, whether they are marketed as senior housing or general apartments. Thus, the condominium parking data would be the least best representation of residential use on this site. The ITE Land Use Code 221, Low/Mid-Rise Apartment would be the best fit for the residential use if it were to be apartments. This category defines buildings that are rental apartments with up to 4 floors of residential. The parking rate for this category is 1.0 vehicles/unit for an urban setting. It also notes that based on 2000 US Census data for the Portland Oregon region, the vehicle ownership rate is 0.7 for apartments located in the central business district. If one were to correlate this to a parking demand rate, adjustments would need to be made to include visitor parking.

Summary

Based on the information presented above, the Merrill Gardens data supplemented with assumptions for guests indicates a peak weekday parking demand rate of 0.55 stalls per occupied unit would be an appropriate rate for the senior housing element of the project. Assuming 72 units, the minimum parking required based on this rate is 40 stalls. The parking demand rate for apartments in urban settings indicates a rate of 1.0 stalls per unit which in theory would all elements of the parking demand.

The City has indicated that other similar multi-family projects in the CBD were approved with a minimum parking rate of 1.0 stall per bedroom plus 10% per unit for guest stalls. Assuming 72 units with a total of 83 bedrooms, the minimum parking required would equate to 91 stalls.

The proposed project is currently proposing 109 parking stalls, with 37 designated for the retail uses and 72 stalls for the residential. For the residential element, that would equate to a parking rate of 1 stall per unit, which based on the supporting data above, appears to be adequate.

To conclude, the estimated demand based on Merrill Gardens data for similar senior housing (not assisted living) is 0.55 stalls per unit. The minimum demand approved by

Parking Modification Study
101 Kirkland – Bank of America/Merrill Gardens
12/20/07
Page 4

the City for similar projects in the CBD is 1.0 stall per bedroom plus 10% per unit for guest parking. The ITE parking data suggests that a parking rate of 1.0 stall per unit and would include all elements of demand including visitors. Applying the Merrill Gardens rate would seem appropriate based on the data made available, however, if the project were to ultimately turn to apartments, the 1.0 stall per unit rate per ITE would most likely be the better rate to design for. Thus, based on 72 units, that would equate to 72 parking stalls for the residential.

I trust that information presented in this summary analysis is suitable to support the parking rates proposed. Please call me at (425) 401-2124 if you have any questions.

Attachment:

1. Merrill Gardens Parking Statistics for Senior Housing (2 pages)

Merrill Gardens
Parking Statistics Consolidated

May-06

Parking Statistics

Location (Urban or Suburban)

Year Built

Total Units

Occupied Units

Average Occupancy %

Total Residents

Assisted Residents

% Assisted Residents

Alzheimer's Residents

% Alzheimer's Residents

Type of Parking (Surface or Underground)

Total Parking Stalls

Maximum % Occupied Parking Stalls (on Wkly or Mnthly basis)
 # of occupied parking stalls

Occupied Parking Stalls Per Unit

MG Average Required Parking Stalls Per Unit

occupied parking stalls per occupied unit
 avg occupied parking stalls per occupied unit

(Key Stats Data as of March 31, 2006)

Green combined
 with main Sunwest

	Fremont	Queen Anne	Sunwest	Rohnert Park	Vacaville	Sonoma	Parkview	TOTALS
Location (Urban or Suburban)	Urban	Urban	Urban	Suburban	Suburban	Suburban	Urban	
Year Built	1987	2006	1990	1986	1987	1988		
Total Units	203.0	39.0	189.0	174.0	157.0	153.0	128.0	1043
Occupied Units	168.0	20.0	188.0	142.0	138.0	144.0	118.0	918
Average Occupancy %	83.0%	50.0%	99.5%	82.5%	89.8%	92.5%	92.6%	84.3%
Total Residents	189	23	237	164	153	165	123	1054
Assisted Residents	0	0	0	0	0	0	0	0
% Assisted Residents	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0
Alzheimer's Residents	0	0	0	0	0	0	0	0
% Alzheimer's Residents								
Type of Parking (Surface or Underground)	Surface	Underground	Surface	Surface	Surface	Surface	Surface	
Total Parking Stalls	50	100 stalls	112	103	87	88	55	495
Maximum % Occupied Parking Stalls (on Wkly or Mnthly basis)	100%		44%	98%	95%	89%	96%	84%
# of occupied parking stalls	50		49	101	83	78	53	414
Occupied Parking Stalls Per Unit	0.25		0.26	0.58	0.53	0.51	0.41	0.47
MG Average Required Parking Stalls Per Unit								0.47
occupied parking stalls per occupied unit	0.30		0.26	0.71	0.60	0.54	0.45	0.45

I am saddened by the development of Kirkland. When I first moved here in 1984 it was a quiet down to earth community. The hometown feel was there in spite of being across the lake from the highly populated metropolitan city of Seattle. People took pride in our town.

The development over the years has been intrusive not only in the feeling of Kirkland closing in, but the roads into Kirkland were not built to accommodate the amount of traffic going into downtown.

More specifically at this time, I am writing about the Bank of America site at the corner of Lake Street & Kirkland Avenue. I have seen the most recent information which was posted to the City's website on Friday November 30, and I understand that the Design Review Board will be meeting tonight, at which time they may approve this project.

I do not support the approval of a 5th story for this proposal. There needs to be "superior retail" at street level in order to have a 5th story and a bank does not meet that criteria. It does not provide sales or b & o taxes to the community and does nothing to create a pleasurable experience in our beloved downtown Kirkland. I bank with Bank of America and rarely need to visit a bank - everything can be done electronically these days.

The addition of a drive through also creates traffic problems and I am especially concerned about pedestrian safety.

With Regard,

Barbara & Floyd Pagarigan
201 2nd St. S. #104
Kirkland, Washington
98033
206.406.6202

Turning this large an area (both properties being developed by Merrill Gardens) into 5 story buildings is going to change the structure and ambience of how people see and use downtown Kirkland. I do not see this as positive or progressive development.

I do not want to see the downtown core of Kirkland turned into a retirement and assisted living center. Having people packed into 5 story buildings will only exacerbate the situation. Use areas that are close to downtown (i.e. White Swan/Chevron or the Dillard property) for this type of development. Having this 5 story building on the 'boulevard' will be the start of land use situations that will take away the "Kirkland" I like to work and live in.

Please do not facilitate this situation.

Thanks,

Vince Isaacson
106 Lake Street
Kirkland WA 98033

> I am writing to express my opinion about the proposed redevelopment
> of the Bank of America site at the corner of Lake Street & Kirkland
> Avenue. I have seen the most recent information which was posted to
> the City's website on Friday November 30, and I understand that the
> Design Review Board will be meeting on December 3, at which time
> they may approve this project.

>

>I love the quaintness of downtown Kirkland and would like to keep it small.
A 5 story building will only be the beginning of multiple story buildings.

I do not support the current plan of building a 5 story building.

>

> I am pleased to see that the site itself will be redeveloped. The
> current building is in need of updating and we have an opportunity
> to improve our downtown.

>>

> Sincerely,

>

>>Lynn Pinkoske
9829 111th Ave NE
Kirkland

First of all, thank you for all of the hard work you have put in regarding the development referred to above. I know that the process is very time consuming and difficult and that you all have the best interests of Kirkland at heart.

I am writing you to express my opinions/concerns regarding the development of the Bank of America property on Lake Street at the corner of Kirkland Way. I attended your most recent meeting on November 19 and am familiar with the changes that have been proposed as a result of your and others input.

I am not against development of the property; in fact it is probably long overdue. However, I am concerned about a number of issues, particularly the addition of a fifth story and what constitutes "superior retail."

It is my understanding from what I've learned is that allowing a fifth story is clearly at the discretion of the Design Review Board, and I think that doing so sets a precedent for the heart of Kirkland that concerns me, particularly at a time when so many other potential development projects are in the pipeline. While I am assuming that each of these will be judged on their own merits, it is very difficult to allow one to build that high and then refuse others. Further, this additional height and bulk certainly diminishes the charm of downtown Kirkland which was one reason we moved here in 1997 instead of downtown Bellevue. I worry that we will soon see a row of developments along Lake Street that will all be high, bulky and indistinguishable from one another. While I'm not familiar with the situation, I just happened to have coffee with a commercial real estate person this morning who pointed out an article in the Seattle P-I about a similar density issue going on in one section of Seattle. It is interesting that although this is his business, he felt that Seattle was going too far. Further, while he had been a proponent of the Lake and Central project, he felt the latest proposed developments along Lake Street in Kirkland were simply "too much".

As for "superior retail," I have been unable to find anyone to define this for me, and without that, we leave it up to the developer to define it for us. While I realize that the Bank of America owns the property and has final say on its development, a bank to me is clearly not "superior retail." I happen to be on the Board of Directors of a publicly held national retailer (22 states and growing) that operates in large malls. As a result of that and other activities, I get around the western part of the U.S. to see quite a few malls and other retail venues. In the last three months, I have been to a number of places including Las Vegas and Northern California. There are several shopping areas in each, and I know of others in Colorado, Southern California, etc. that I feel offer "superior retail" in addition to the multi-use that Kirkland is striving for—and none of them is five stories. One great example is Santana Row in San Jose, California. It consists of great retail (high end and middle end), restaurants, coffee shops, and a hotel at the ground level with condos on top. In fairness, it is walking distance of a large shopping mall, but I have been amazed at how what had once been an eyesore has been totally transformed. As mentioned above, there are many similar examples in Vegas, Colorado and California and not all are near a major shopping mall. All have parking outside of the core and are thriving. To visit them is a great walking and shopping experience.

Thank you for taking the time to read this. Please think long and hard before you allow the fifth story and make certain the "superior retail" concept gets better defined.

Sincerely,

Gerald F. Ryles (Jerry)
127 3rd Avenue #301
Kirkland WA 98033

425.985.5822 (Cell)

VIA ELECTRONIC MAIL

December 3, 2007

To the Design Review Board
City of Kirkland
Attention: Janice Soloff, Jeremy McMahan & Eric Shields

Re: *File No. DRC07-00006*

Ladies and Gentlemen:

I am a resident of Brezza Condominium. The purpose of this letter is to request that the Design Review Board *not* give its approval at tonight's meeting to the currently proposed 5-story development of Bank of America property at Kirkland Avenue and Lake Street.

I am opposed to the current proposal. I am not opposed to redevelopment of the site so long as it is consistent with the vision for downtown Kirkland. Such vision has been set forth in a general way in the Strategic Action Plan. Such vision is currently in the process of more specific definition pursuant to the process coordinated by the Downtown Advisory Committee (DAC). Zoning should be adjusted when the DAC process is complete.

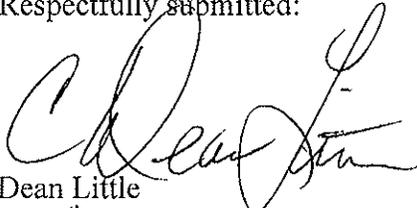
The reasons for my request are set forth in a summary manner below:

- The current DAC process has not been completed. The process should be allowed to proceed to conclusion before any new developments in downtown are allowed to move forward by the City government. Many residents and businesses have expressed their desire to limit the height of building in the "core" area of downtown to two or three stories. My definition of the "core" area includes the area that fronts along Lake Street. Thus a part of the proposed project would fall in the "core" area. I strongly oppose going forward with this project before the DAC process runs its course.
- The current proposal would allow for a fifth floor because the first floor allegedly will house "superior retail." The "center" of downtown is the intersection of Kirkland Ave and Lake Street. It is my understanding that over half of the first floor will be a bank branch with entry on the corner. A bank branch on the corner is not the kind of "retail" business -- and is certainly not "superior retail" -- as envisioned by the recent Downtown Strategic Assessment prepared by the DAC. I have read the letter submitted by Bea and Bruce Nahon on his subject and wholeheartedly agree with that letter. I urge the Design Review Board and the City to refrain from setting a precedent as to "superior retail"
- The current proposal is too massive -- especially along Lake Street. Like the "Lake & Central" proposal of a few years ago, it is no more than a hippo in a tutu. It is out of scale with other buildings along Lake Street and in the "core" across Kirkland Ave.

- The current proposal greatly exacerbates the traffic and safety problems that currently face downtown Kirkland, and that will get even worse as the density of resident and day-time business population increases. Frankly, from personal experience, drivers of cars do not respect pedestrians like they did a few years ago. With a bank drive-through, pedestrians will be less safe.
- The current proposal, along with other new, existing or proposed buildings, raise substantial concern about density and evacuation of the population in the event of disaster. I do not see any evidence to indicate that the City or the developer have considered this issue at all.
- The current proposal represents that residential units will be for “seniors.” I am a “senior” (I am also an attorney). Frankly, I see this representation as a marketing maneuver, and that the restriction will be removed shortly after the building is built. We have seen this happen before in Kirkland.
- Finally, I cannot help but speculate that the “urgency” of this issue is not genuine. I strongly object to a final decision when concerned residents of Kirkland have their attention turned to distraction of the holiday season. Additionally, why has this meeting been set on a date when many HOAs have their annual meeting?

Please reject the current proposal. Or, at least, reschedule a final decision until a later date. The future of downtown Kirkland is at stake. The DAC process should not be short-circuited before citizens have their say.

Respectfully submitted:



Dean Little
225 4th Avenue, B303
Kirkland, Washington 98033

Hello,

I am writing to express my opinion about the redevelopment of the Bank of America site on Lake Street. I realize that it would be beneficial to redevelop that site. However, I do not agree with letting the developer put 5 floors on that site, 4 floors as suggested by the Kirkland Down Town Strategic Plan is plenty high.

Please note my opposition to 5 floors along that area.

Thank you.

Helga Simmons
Tiara de Lago
210 Market Street #401
Kirkland WA 98033

I express my objection to certain aspects of the above proposal. First, I adopt the written comments of Bea Nahon as expressed by email. She does an excellent job of focusing on the critical issue of why this proposal does not meet the requirements necessary to have a 5th bonus floor. This main corner of Kirkland has been a bank since my 1960 arrival in Kirkland. At that time, there was office use on the upper floor[s]. This proposal will cement that use for another 50-75 years. Redevelopment of a auto-oriented banking and new multifamily in the very heart of downtown Kirkland does not do it. Had the upper four floors been office with evening and weekend parking, the project could have been a home run for retail and a "superior retail" use. Kirkland can do better. Kirkland deserves better. VTY,

Grant Silvernale

129 3rd Ave, Kirkland, WA 98033

425-828-9702

We are concerned about the proposed redevelopment of the Bank of America site at Lake Street and Kirkland Avenue. We understand the Design Review Board will be meeting tonight, December 3, and want to express our concerns regarding the 5th story. As we understand it, this is a bonus for a developer that provides "superior retail" on the street level but a bank is not retail use and should not qualify for this bonus. It does not promote pedestrian connections or retail sales tax revenue for the city and the drive-through certainly could not be considered superior retail.

We appreciate your work on the design process for this property and urge you not to approve the 5th story for this proposal.

Sincerely,
Christy and Frank Monahan
303 2nd Street South Unit B5
Kirkland WA 98033

I am a long time resident of Kirkland (over 15 years) and have experienced a great deal of change to our beautiful town. I understand the need for certain growth and development but want the city to closely evaluate the exceptions to the rule. I am writing to you to express my opinion about the proposed redevelopment of the Bank of America site at the corner of Lake Street & Kirkland Avenue. After reviewing the most recent information I understand that the Design Review Board will be meeting on December 3, at which time they may approve this project.

It is my desire to preserve, were possible, these exceptions from being made and I thus do not support the approval of a 5th story for this proposal. I understand that this is a bonus that is at the discretion of the Design Review Board, and is not an automatic entitlement for the developer. In order to have a 5th story, there must be "superior retail" on the street level, and this proposal does not meet that criteria. The bank is not a retail use. It does not promote pedestrian connections or linkages. It does not provide retail sales tax revenue for the city. The increased use of technology for personal banking and merchant banking is continually reducing the need for people to go to a bank. And the bank is closed on evenings, weekends and holidays, which is a detriment to retail connectivity. The bank will occupy a majority of the ground level. If one also considers that a significant portion of the ground level will be used for the drive-through, this further increases the bank's percentage.

I appreciate your due diligence in reviewing mine and other residents' input and hope that you will agree that the bank does not constitute a retail use, and certainly not a "superior" retail use, and therefore, please do not approve the 5th story for this proposal.

Sincerely,

Patricia Lehr
309 11th Ave West
Kirkland, WA 98033

In addition to my original email – here are my additional concerns.

Five stories including condo tenants, is not in the overall planning and best interests of Kirkland. The 72 condos will generate approximately 144 cars and parking spaces for owners plus condo guests of approximately 72 cars (1/2 of condos). WHERE and HOW is the city of Kirkland going to provide traffic control and street PARKING for this added traffic? The library expansion has indicated community parking may be eliminated with their upcoming expansion

I feel it is incumbent upon the design review board to also consider the negative traffic/parking impact these condos and an additional fifth floor would have upon downtown Kirkland, and what is Kirkland's master plan for traffic/parking? Certainly, 4 floors will cause less traffic congestion and help maintain a consistent height limit for downtown Kirkland.

I feel this run away development hitting Kirkland, if left unchecked, is beginning to destroy the entire image of Kirkland. I feel guidelines must be adhered to.

Respectfully submitted,

Carol Bonner Dore
Interior Architect, Designer
211 Kirkland Ave #204
Kirkland, WA 98033

While not opposed to the development of this site and others in the Kirkland core, I don't believe the massiveness and height is in the best interest of our City. Please be extra sensitive to "superior retail". As in the case of the McLeod building, it houses office, not retail. Where would be the enforcement of superior retail once a building is built? And, truly, "superior retail" is yet to be defined!

Before granting the concession of a fifth story, superior retail must be clearly defined...and upheld...since this decision will forever change the core of Kirkland.

PLEASE preserve what's left of the quaint, small town feel we had been so noted for!!

Thank You,
Linda M. Wicks
201 2nd St. South, #112
Kirkland WA 98033

Hello,

I am writing to express my opinion about the proposed redevelopment of the Bank of America site at the corner of Lake Street & Kirkland Avenue. I have seen the most recent information which was posted to the City's website on Friday November 30, and I understand that the Design Review Board will be meeting on December 3, at which time they may approve this project.

I am pleased to see that the site itself will be redeveloped. The current building is in need of updating and we have an opportunity to improve our downtown.

However, I do not support the approval of the building height in this proposal.

A building over two floors is not appropriate for the street front along Lake Street. Although the current zoning allows buildings up to four and five stories on the east side of Lake Street, this zoning is detrimental to downtown Kirkland and will ultimately destroy the character of the city. Downtown Kirkland has thrived with a vibrancy due to its human scale and building four and five story buildings through its center will destroy this character. The area needs to maintain its current "bowl" shaped layout in order to maintain the essence of what Kirkland is all about. Residents have been expressing this fact for years.

Why must our wonderful city continue to be at risk as short term payoff developments such as this rush in for approval while the zoning remains in its flawed state?

Even under the current zoning, the fifth floor proposed at this site should not be approved. A fifth floor is a bonus that is at the discretion of the Design Review Board, if superior retail is provided on the street level. In the current proposal, we know that the Bank of America owns the property and will continue to own it. The design is customized to provide for a bank to occupy it. A bank is not a retail use. It does not promote pedestrian connections or linkages. It does not provide retail sales tax revenue for the city. The increased use of technology for personal banking and merchant banking is continually reducing the need for people to go to a bank. And the bank is closed on evenings, weekends and holidays, which is a detriment to retail connectivity.

I am also concerned about pedestrian and traffic safety with the access to and from the alley and the drive-through. I understand that as proposed, there will be two-way traffic in and out of Lake Street, and this poses visual challenges for turning traffic, and poses risks for pedestrian safety. We also must be concerned about the eventual development of the neighboring property, and its impact on the traffic that will likely be using that alley.

Please continue your excellent work on the design process for this property. I hope you will agree that not only should a fifth story not be approved for the site, but that new developments over two floors are a destructive element to Kirkland's scale and beauty.

Sincerely,

Rob Sanfilippo

129 3rd Avenue #504

Kirkland, WA 98033

To Whom it May Concern:

I am writing to express my opinion about the proposed redevelopment of the Bank of America site at the corner of Lake Street & Kirkland Avenue. I have seen the most recent information which was posted to the City's website on Friday November 30, and I understand that the Design Review Board will be meeting on December 3, at which time they may approve this project.

I am pleased to see that the site itself will be redeveloped. The current building is in need of updating and we have an opportunity to improve our downtown.

However, I do not support the approval of a 5th story for this proposal. I understand that this is a bonus that is at the discretion of the Design Review Board, and is not an automatic entitlement for the developer. In order to have a 5th story, there must be "superior retail" on the street level, and this proposal does not meet that criteria.

Sometimes we don't know who the tenants might be, and so the superior retail is what is planned and hoped for by the design. But in this case, we know that the Bank of America owns the property and will continue to own it. The design is customized to provide for a bank to occupy it. For example, the construction plans call for a drive-through.

A bank is not a retail use. It does not promote pedestrian connections or linkages. It does not provide retail sales tax revenue for the city. The increased use of technology for personal banking and merchant banking is continually reducing the need for people to go to a bank. And the bank is closed on evenings, weekends and holidays, which is a detriment to retail connectivity.

The bank will occupy a majority of the ground level. If one also considers that a significant portion of the ground level will be used for the drive-through, this further increases the bank's percentage.

I am also concerned about pedestrian and traffic safety with the access to and from the alley and the drive-through. I understand that as proposed, there will be two-way traffic in and out of Lake Street, and this poses visual challenges for turning traffic, and poses risks for pedestrian safety. We also must be concerned about the eventual development of the neighboring property, and its impact on the traffic that will likely be using that alley.

Please continue your excellent work on the design process for this property. I hope that you will agree that the bank does not constitute a retail use, and certainly not a "superior" retail use, and therefore, please do not approve the 5th story for this proposal.

Sincerely,
Anne Jensen
11007 NE 62nd Street
Kirkland, WA 98033
tel 425 827 3182
cell 425 471 6003
email annegi@comcast.net

I am writing to express my opinion about the proposed redevelopment of the Bank of America site at the corner of Lake Street & Kirkland Avenue. I have seen the most recent information which was posted to the City's website on Friday November 30, and I understand that the Design Review Board will be meeting on December 3, at which time they may approve this project.

I am generally pleased with the project as proposed, but question whether the 5th story should be included. I understand that the 5th story requires the availability of "superior retail" on the street level, and question whether the bank and coffee shop shown in the plan meet that criteria. For example, is a bank a retail establishment, and do we need yet another coffee shop?

I am also concerned about the south side of the main building as it relates to the eventual development of the neighboring property, across a narrow alleyway. Is it practical to have residential units that close to neighboring buildings?

Thank you for considering my comments.

Sincerely,

Robert Dahl

611 17th Ave
Kirkland
425-822-0969

I moved to Kirkland six years ago to live in downtown Kirkland because of the quaintness of the area. Recently, I saw the presentation for the structure to replace the current Bank of America building to be five stories in height along Lake St. I realize that change is inevitable, and I don't mind new and taller buildings of this nature in Kirkland, but I do object to allowing them along Lake St. Even though this one building was designed very nicely, I feel if it is allowed to be this height, then it opens the door for others to be built of the same height and will eventually take away the "charm" of downtown Kirkland .

Tami Moe

109 2ND ST S #625
Kirkland WA 98033

We cannot see any reason for approval of a fifth floor for this proposed development.

"Superior retail" is a nebulous term and, while we are sure that every retailer wishes to be thought of as superior, few qualify.

Banks are not retailers but service providers and, therefore, not "superior retail" and, in most cases, "shoddy" service providers. Also, studies have shown that banks are a detriment to vibrant down-towns. Since, the bank will occupy most of the ground floor, have drive through banking and a list of "quality" retail tenants has not been provided, the development does not qualify for a fifth floor.

Even with four floors, we have other concerns regarding building mass, traffic, pedestrian safety and impact on the village ambience which we trust will be addressed by the DRB.

Thank you,

*Patricia & David Martin
127 Third Avenue (#402)
Kirkland WA 98033*

I attended the most recent Design Review meeting regarding the Lake St/Kirkland Ave site. I believe 2-3 stories buildings would highly compliment the west side of the street and maintain our current small somewhat quaint city that we all live here for. The bank is not superior retail use, so the 5 story should not be an option for them rather 2-3 to the present "code".

As far as design, it would be great to have all new buildings incorporate some of our present "historic" architecture and colors, ie. Kirkland Arts Center and the now Windemere building adjacent to it on Market St. Hectors is also a neat old building that I hope will seriously not be demolished since they did a fabulous remodel. I am sure they could build around it, compliment it with three stories (not five!) and maintain integrity to the other buildings across. The resources we have here are plentiful and certainly we could pull from those to make a beautiful small city rather than become "every other place generic America".

My concerns are also the one way drive-through will create a bottle neck for folks needing the alley it seems illegal to have a drive through there since most drive-through are two lanes at least. Let's encourage walking, the way of our future, less car dependent future.

I am also curious if the green roof they have incorporated is useful to insulation to the building and use of green practices, the current trend. I believe we should look at other successful beautiful small cities not only in USA but european, enforce a code and not belly up to the developer and greed.

Thank you for taking the time to read my opinions and take this matter seriously. Most of our residence are unaware of the issues at stake, for your decision here will dictate to all of Lake Street's future.

Thank you.

Sheila Edwards
John Edwards
James Edwards
Sophie Edwards

219 6th Street
Kirkland WA 98033

shdesign@mac.com
425 739 6184

We are writing to express our opinion about the proposed redevelopment of the Bank of America site at the corner of Lake Street & Kirkland Avenue. The most recent information was posted on the City's website on Friday November 30, and we understand that the Design Review Board might be approving the project as early as at their meeting tonight, Monday December 3.

While we appreciate the improvement to this site that a redevelopment would bring, we do not support the approval of a 5th story, as proposed by the developer. We understand that a 5th story addition is at the discretion of the Design Review Board, and is not an automatic entitlement for the developer. In order to have a 5th story, there must be "superior retail" on the street level, and we do not believe this proposal meets that criteria.

Bank of America currently owns the property, and from what we understand is intending to continue its ownership and is designing the property for continued use as a bank office. The bank will occupy a majority of the ground level, and considering that a significant portion of the ground level will be used for the drive-through, this further increases the bank's percentage.

Though we appreciate having a Bank of America office conveniently located downtown Kirkland, **a bank is not "superior retail"**. A bank does not provide retail tax revenue for the city. A bank does not invite much pedestrian connections between other retail stores along Lake Street and Kirkland Avenue, especially as it is closed on evenings, weekends, and holidays. During these times, the bank will not only be inactive, it will provide a barrier between the current retail businesses on either side of the bank property. As internet banking increases among both merchant and personal bank customers, the bank will attract even less pedestrian traffic in years to come.

We are also concerned about pedestrian and traffic safety with the access to and from the alley and the drive-through. We understand that as proposed, there will be two-way traffic in and out of Lake Street, and this poses visual challenges for turning traffic, adds to the perennial congestion on Lake Street during high-volume commute times, and poses risks for pedestrian safety. We also must be concerned about the eventual development of the neighboring property, and its impact on the traffic that will likely be using that alley.

Please continue your excellent work on the design process for this property. We hope that you will agree that the bank does not constitute a retail use, and certainly not a "superior" retail use, and therefore, please do not approve the 5th story for this proposal.

Sincerely,

William Jones and Maria Staaf
1675 10th Street West
Kirkland, WA 98033

Since we were forbidden to comment during the Board discussion this evening, I'd like to send some followup comments to them.

Please provide the email addresses for the members of the Design Review Board members that are listed on the website:

Carter Bagg - Chair -was present
Brian Berg - was absent
Stephen W. Cox - was present
Jeff Bates - Vice Chair -was present
H. Todd Kilburn - was present
Kevin Oremus - was absent
Phyllis Warman - was present

Thank you.

Donna Riddell

I am writing to express my opinion about the proposed redevelopment of the Bank of America site at the corner of Lake Street & Kirkland Avenue. I have seen the most recent information which was posted to the City's website on Friday November 30, and I understand that the Design Review Board will be meeting on December 3, at which time they may approve this project.

This letter may be too late to make a difference, but I still am electing to express my opinion. One of the things that most bothers me is the short time given for the citizens of Kirkland to express their views,

I do not support the approval of a 5th story for this proposal. I understand that this is a bonus that is at the discretion of the Design Review Board, and is not an automatic entitlement for the developer. In order to have a 5th story, there must be "superior retail" on the street level, and this proposal does not meet that criteria.

A bank is not a retail use. It does not promote pedestrian connections or linkages. It does not provide retail sales tax revenue for the city. The increased use of technology for personal banking and merchant banking is continually reducing the need for people to go to a bank. And the bank is closed on evenings, weekends and holidays, which is a detriment to retail connectivity.

Sincerely,

Don Stenquist
127 3rd Avenue, Apt. 701
Kirkland

This memo is to advise you that I object to the proposed plan for the development as presented by SRM for the following reasons:

1. Classification of the site development.

The classification, I understand, is for 50.12.080, Stacked or Attached Dwelling Units, which allows for a building to be 2 to 5 stories in height and the developer, must qualify for the "Superior Retail" provision in order to possibly secure the 5th floor.

I believe the correct classification should be 50.12.025 in which the use is for Banking and Financial Related Services and allow for 2 to 4 stories.

Current Use:

The existing building is only for the use of the Bank of America today. The plan is that Bank of America will still be the main floor occupant of the building. They are in the banking and financial services industry and to say that the development is stacked units is only a way to get around to zoning requirements to try and secure the additional fifth floor.

Bank of America is not a retailer and never will be.

2. Superior Retail Qualifications

A. The Bank of America does not qualify as a retailer. They are a bank and in the financial services business and don't need to have 13 to 15 foot ceilings to conduct their business.

B. What Defines a Superior Retail Space...

I challenge the legality of the DRB to having the ability to make a subjective decision on which applicant meets the "superior retail" criteria based on design and use.

The ability of the DRB to allow an applicant to qualify for a 5th story, in my opinion, bypasses the variance requirements and due process as required by law.

3. Development does not meet the Intent of the Kirkland Downtown Strategic Plan

The Recommendations as proposed by the plan states that the "Core Area" is to "Enhance the core area of downtown by assuring a mix of mutually supportive uses as well as a human scales for any new development.

I don't think that "assisted living" and "intermediate living² care facilities meet this objective.

Further, the "Core Area² strategic plan outlines the specific uses for development as the area is to preserve it's "quaint character" while increasing the retail space and using the upper floors to support the economic viability of the downtown development.

I don't think that this project as presented meets any of the Strategic Plan requirements to add to the economic vitality for the re-development of downtown.

Based on the above reasons, I ask that the DRB do not approve the 5th floor and re-consider if the plan as presented will meet the intent of the Strategic Plan.

Lastly, the plan states that the "Downtown Kirkland belongs to the entire city. Citizens view it as their "living room" regardless of whether they live downtown, near downtown or elsewhere in the city.

Respectfully submitted,

Bill Anspach
211 Kirkland Avenue
Kirkland, WA 98033

CC: Copy hand delivered to DRB meeting for inclusion in minutes of meeting.

I am writing to express my opinion about the propose redevelopment of the Bank of America site at the corner of Lake Street and Kirkland Ave. I have seen the most recent information which was posted to the City's website on Friday November 30, and I understand that the Design Review Board will be meeting on December 3, at which time they may approve this project.

I am pleased to see that the site itself will be redeveloped. The current building is in need of updating and we have an opportunity to improve our downtown.

However, I do not support the approval of the 5 story for this proposal. I understand that this is a bonus that is at the discretion of the Design Review Board, and is not an automatic entitlement for the developer. In order to have a 5 story, there must be a superior retail on the street level, and this proposal does not meet that criteria.

Sometimes we don't know who the tenants might be, and so the superior retail is what is planning and hoped for by the design. But in this case, we know that the Bank of America owns the property and will continue to own it. The design is customized to provide for a bank to occupy it. For example, the construction plans call for a drive-through.

A bank is not a retail use. It does not promote pedestrian connection or linkages. It does not provide retail sales tax revenue for the city. The increased use of technology for personal banking and merchant banking is continually reducing the need for people to go to the bank. And the bank is closed on evenings, weekends and holidays, which is a detriment to retail connectivity.

The bank will occupy a majority of the ground level. If one also considers that a significant portion of the ground level will be used for the drive-through, this further increases the bank's percentage.

I am also concerned about pedestrian and traffic safety with the access to and from the alley and the drive-through. I understand that as proposed, there will be a two-way traffic in and out of the Lake Street, and this poses visual challenges for turning traffic, and poses risks for pedestrian safety. We also must be concerned about the eventual development of the neighboring property, and its impact on the traffic that will likely be using that alley.

Please continue your excellent work on the design process for this property. I hope that you will agree that the bank does not constitute a retail use, and certainly not a "superior" retail use, and therefore, please do not approve the 5th story for this proposal.

Sincerely,
Teresa Messina
235 Sixth Ave.
Kirkland, WA

From: Marcela Valenta [mailto:278564@flightline.com]
Sent: Thursday, December 06, 2007 3:49 PM
To: Jon Regala
Cc: Linda Wicks
Subject: File#DRC07-0007

From:
Marcela Valenta
201 2nd Str.S# 210, Kirkland, WA 98033

To:
Jon Regala
Planning Dept, City of Kirkland File#DRC07-0007

On Monday the Kirkland design review board approved The Bank of America plan to build on their existing downtown site in Kirkland, and that the bank was to be granted the exception for the downtown Kirkland height limitations. As much as I pray I am wrong, with all reason and heart I am convinced that this decision will mark a sad turning point in the future of Kirkland. I firmly believe this decision could ultimately lead to the very corruption of that which makes Kirkland such a special community.

Only the saddest sort of speculation provides any justification for such a decision, because it seems that history, tradition, good business sense, community well being, established standards, precedence, even common reason were entirely dismissed for such a decision to have been reached, and it will be this sort of decision making that will now be the new standard, the new precedence, the new order of business for the Kirkland downtown community.

It seems as though the burden of proof that was required of the bank to provide in order to be granted the height restriction, was entirely dismissed. The mere inclusion of a retail space in the draft does not provide proof, rather, mere attempt of compliance. It is difficult to find any evidence of their having provided proof for superior retail business, or community service or enhancement to the downtown area, that would justify a five story building, and I would challenge both the bank and the design review board to provide such evidence; yet the exception was granted.

Not more than two years ago, a similar plan to build on a nearby location was denied for lack of evidence that the plan met the requirement to be granted the height exemption. Yet while without a change in precedence, or law, an even more

12/26/2007

obtrusive and out of character bank plan has been approved. I would ask the design board, please, tell us, tell your community what it was that drove you to this decision. What was so extraordinary, or exceptional about the Bank of America plan that brought you to your findings? What was it about the plan that brought you to decide this plan solidified your responsibility to act in behalf of the community in granting the exception? Should not that proof be abundant, irrefragable? Where in the plan is such evidence provided, outside a few conceptual drawings, which even you must admit at best are artistic renderings.

What was it about the plan that outweighed the consequences a building of such height will have on the community? What was it that you found so compelling that you would grant the building of a structure that will literally loom over this beautiful town, and cast its shadow across the entire downtown area, aside from completely destroying the number of already diminishing viewpoints, and natural relief from the downtown area? Certainly the plan provided obvious and complete proof of this not being the case. What was it about the plan that justified what must now become the new precedence? What proof compelled you, in your role as servants of the community, to make this decision to grant the height variance?

Please tell us. Tell us what it was that allowed you to dismiss the community's heritage? What was it in the plan that proved to you that the disruption and long term ill consequences to the surrounding businesses, the city landscape, and the existing homes, was justified. What undeniable evidence was presented in the plan that proved to you that in granting the height exemption you were serving the good of the community?

Should not that evidence be solid, firm, complete, and obvious to the community you serve? Please...share that evidence, and dispel the feeling that your decision will mark that point at which the interests of the community, a community of people represented by those that filled the room and halls last Monday, all voicing disapproval of this plan, were ignored. If you cannot, then I suggest you rejoin your interests to those who will from here on be forced to look back upon you, your decision, with regret, remorse, should the proof prove to be lacking and this building in actuality verses concept become the ever present edifice of your lack of diligence. Is it possible that there is more to this, perhaps, than you have understood? Heaven forbid that the consequences of your approval of this building design, in light of insufficient evidence of justification, mark your service to the Kirkland community as that in which the community was forgotten.

Allan Pharr • Citrix Systems, Inc. • XenSource Technical Support Engineer • Virtualization & Management Division • +1-425-895-4761

If it is not too late we would like to give our input on the proposed redevelopment of the Bank of America site at the corner of Lake Street and Kirkland Avenue. We feel five stories will loom large over Lake street, especially if the property to the south (currently Hectors, Calabria, Mixtura, Tullys, etc) is redeveloped as proposed into a 4-story complex. The two lane, pedestrian friendly street will close in and become a canyon. Kirkland has the only downtown on Lake Washington. And the fact that the town "steps up" from the lake gradually gives it character that is so unique. A 5-story mass one block from the lake is obtrusive. Please consider disallowing the fifth story on the proposed building. It is questionable if a bank at street level on this very busy corner (with walkers, tourists, shoppers etc.) should qualify as "superior retail". Thanks for your time and consideration.

Sincerely,
Henry and Naomi Lombard
10917 NE 66th Pl
Kirkland, WA 98033

Dear Ms. Soloff:

As a 50 year resident of Kirkland, living either near or along Lake Street, I want to express my displeasure of DRC approving the McLeod development along this primary Lake entrance to Kirkland. We all want a progressive Kirkland, but most Kirkland residents would not want to sacrifice the unique location and flavor of Kirkland in the process. We do not want to permanently destroy the major entrance to Kirkland by creating a tunnel effect of buildings all along Lake Street, nor do we want to disturb the water table by digging deeper (four stories for parking) so close to Lake Washington's shore.

We do not want to create more concrete, more fumes, more loss of light and shadows that will destroy the uniqueness of Kirkland which so many of us cherish. Kirkland is indeed unique and a place I always want to return to again and again after my travels. I don't want to lose that feeling! And, I don't think other Kirkland residents do either.

Sincerely,

Shirley Hogsett
108 2nd Ave So #104
Kirkland WA 98033

Below please find a note I wrote regarding the proposed development at Lake Street and Kirkland Avenue. Please forward it to the Design Review Board for their consideration.

Thank you,

Chris Miller
cm.kirkland@verizon.net

December 21, 2007

On December 3, 2007 at the Design Review Board meeting I got up and spoke in favor of the proposed Bank of America/Merrill-Gardens building at the corner of Lake Street and Kirkland Avenue. I am not used to speaking in public or taking an opposing stand in such a public venue so my statements may have lacked clarity. I would like to take this opportunity to add a few thoughts about the proposed development.

I am in favor of this building. This is a wonderful opportunity for the City of Kirkland to begin revitalization to create a beautiful downtown that we can all be proud of. Taken into consideration with the proposed development of Park Place and other buildings in the future, the Bank of America building could be the cornerstone of the design for the appearance of Kirkland for the next generation and beyond. After attending the two Design Review Board meetings considering this project and talking to some members of the planning staff, I feel that everyone realizes the importance of the building and is doing their best within the current rules and regulations to come up with an attractive design. I sympathize with the board that many residents seem opposed to this development, although I would urge you to realize that not everyone in the community is against it. Done right the building would be a vast improvement over the parking lot and dated Bank of America building now in that location.

That being said I would ask the Design Review Board to reconsider whether the building should be five stories tall at this particular location. Approving five stories will set precedence along the east side of Lake Street and all future buildings will want the same consideration. Whether the Board approves the building at four or five stories, wouldn't it be best require the upper portions of the building fronting Lake Street to be set back at least 20 feet from the façade? With such a set back the view from the sidewalk and at a distance would make the building appear lower. Good examples of this type of design are the Tiara de Lago condominium building and the Westwater Apartment building (housing Sur la Table) at the corner of Central Way and Market Street.

At the December 3 meeting Board Member Mr. Cox made several comments about the design of the building lacking a visual punch. I hope he and the other Design Review Board members will follow up on that line of thinking. Several sections of the current City Code encourage developers to create buildings with strong visual interest. The proposed Bank of America building is attractive but the roof line, in my opinion, is too flat and boring. Gabled ends, like at the Heathman Hotel, or a pitched roof would increase the visual interest immensely. Bay windows on the upper stories of the Lake Street side of the building would also add interest there, or perhaps a turret at the southwest corner (suggested in 92.10 of the Kirkland Code). An arch for the lower portion of the pedestrian bridge over the drive-through alley would add a combination of old and new Kirkland that could be very appealing.

Thank you very much for considering these points. I look forward to the next meeting on January 7, 2008 to find out the Board's views on this project.

Chris Miller
225 4th Ave. #A-503

To: JANICE SOLOFF (DRB)

PLANNING DEPARTMENT → FILE N°

CITY OF KIRKLAND

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

RECEIVED

DEC 05 2007

123 FIFTH AVENUE
KIRKLAND WA 98033

AM
PLANNING DEPARTMENT
BY

I'M WRITING TO PROTEST THE DEVELOPMENT IMPLIED BY THE ABOVE "FILE N°" WHICH, AS I UNDERSTAND IT, WILL CREATE A FIVE (!) STORY BUILDING IN THE VERY CENTER OF THE DOWNTOWN COMMERCIAL CORE OF THE CITY.

AS LONG TIME RESIDENCES (45 YEARS (!!!) AT OUR BELOVED HOME AT 907 4TH ST.) (IN FACT MY WIFE CAN CLAIM LIFE LONG RESIDENCY, AS CAN HER PARENTS, AND GRANDPARENTS... CLARENCE AND AGNESS JEWELL... WHO LIVED IN KIRKLAND 50 YEARS IN THEIR HOME SITE, NOW OCCUPIED BY THE PRESENT POST OFFICE), WE HAVE PROUDLY WATCHED KIRKLAND GROW AND PROSPER. BUT A 5 STORY BUILDING IS, LET'S FACE IT, JUST TOO MUCH! ITS DARKENING AND CLAUSTROPHOBIC. TRAFFIC, ALREADY STRANGULATING, WILL ONLY GET WORSE... MUCH WORSE. I FEAR A LOVELY SKYLINE WILL BECOME BLOTTED.

MAY I SUGGEST AN ALTERNATIVE: IF "SKYSCRAPERS" ARE INEVITABLE, THEY SHOULD BE LOCATED ATOP ROSE HILL, PERHAPS JUST TO THE EAST OF LAKE WASHINGTON HIGH SCHOOL. DOWNTOWN WOULD THEN REMAIN BREZZY, AND BRIGHT, AND FUN! ROSE HILL WOULD BE INVIGORATED AS A "MUST SEE" DESTINATION → AND, BOY!, WOULD THOSE FOLKS HAVE WORLD-CLASS VIEWS!

THANK YOU, Carolyn & Roy ENBERG

→ NOW RESIDING AT (HAVING BEEN "TAXED-OUT" OF OUR BELOVED HOME.)
9922 N.E. 144TH LN. UNIT 507
BOTHELL, WA 98011

(phone N° 425 820 1506)

MONDAY
DEC 3, 2007

Dean & Anne Tibbott
109 2nd Street S. #627
Kirkland, WA 98033
Phone: 425-576-0597

December 3, 2007

City of Kirkland, WA
 Members of the Design Review Board
 Mr. Carter Bragg, Chair
 Mr. Jeff Bates, Vice Chair
 Mr. Brian Berg
 Mr. Stephen W. Cox
 Mr. H. Todd Kilburn
 Mr. Kevin Oremus
 Ms. Phyllis Worman

Re: Pending Application –
 Bank of America, SEC Lake Street & Kirkland Avenue

Dear Members of the Design Review Board:

As residents of downtown Kirkland and people who walk downtown with considerable frequency, we wish to make a statement in opposition to this proposed 5-story development.

We appreciate the good work which has been done by your Board related to the several major residential development projects which have either been recently completed, or which are currently under construction. These projects are located either within the designated “Core Area” of downtown east of Main Street and generally abutting the “South Core Frame”, or are in the “South Core Frame”, as delineated in Figure C-3 of the Kirkland - Moss Bay Comprehensive Plan. None of the projects, to date, have been on the Lake Street frontage which is so well established and so well established as a primary pedestrian corridor that is so critical to downtown retailing.

It is my understanding that the primary guidelines for your decision-making process are contained within the Moss Bay Neighborhood section of the City of Kirkland Comprehensive Plan. We therefore direct your attention to various segments of, or excerpts from the plan, as follows:

XV.D-1 - 1. Introduction

*“A major policy emphasis for the Moss Bay Neighborhood is to **encourage commercial activities in the Downtown**, and to expand “close-in” housing opportunities by **encouraging medium to high-density residential uses in the perimeter of downtown (Figure C-1).**” (Emphasis added)*

The above statement implies that medium and high density residential uses should be expanded south of 2nd Avenue and north of Central Way. Recent medium to high density residential development projects, although not limited to the perimeter areas have been limited to either the perimeter areas, or to the downtown area east of Main Street.

On page XV.D-4, under the heading of “**B. Land Use**” we find the following quote:

“The area’s economic vitality and identity as a commercial center will depend upon its ability to establish and retain a critical mass of retail uses and services, primarily located west of 3rd Street.”

And, on page XV.D-6, under the sub-heading of “Drive-through facilities and ground-floor offices are prohibited”, we find the following quote:

“Therefore, automobile drive-through facilities should be prohibited. Similarly office uses should not be allowed to locate on the ground level.”

It is recognized that Bank of America exists with a drive-through facility and thereby has the right to continue in its present configuration, and I suppose that there is at least some question as to whether a bank is a retail or an office use, but I see nothing to indicate that its right to exist as presently configured would imply a right to reconfigure and rebuild. Further, it is difficult to picture an effective and smooth-flowing drive-through banking facility operating off an 18’ alley with only a three or four car stacking capacity.

Additional pertinent references are to be found as follows:

XV.D-10 - Building Height & Design Districts – Design District 1

“Buildings should be limited to two stories along all of Lake Street South to reflect the scale of development in Design District 2. (Emphasis added)

XV.D-12 - Building Height & Design Districts – Design District 2

“To emphasize this link and the traditional role, building heights in this area should remain low. Two stories above the street are appropriate along Central way and south of Kirkland Avenue.”

The two citations indicated immediately above, fortify the concept of a desirable height relationship for the two sides of Lake Street. If it is interpreted that buildings on the east side of Lake Street should be limited to two stories for only their first ten feet of depth, and then for whatever reasons permitted to progress to construction of a four or five story height, you lose the character and integrity of the downtown pedestrian core. It seems to me to be very difficult to rationalize the impact of a two story height on the west side of Lake Street, and a five story height on the east side of Lake Street.

Moving to the issues reflected on Figure C-5 and expressed in the bottom paragraph of the left column of page XV.D-10, the text speaks to: “...area 1B as providing the best

opportunities for new development that could contribute to the pedestrian fabric of the Downtown.” The text continues with comments regarding development potential, and then fortifies the concept of the desirability of placing taller buildings closer to the hillside. In large part, these conditions reflect development which has either already occurred, or which is under construction.

It appears to me to be quite a stretch to envision that any of this language either contemplates or justifies a five story building at the southeast corner of Lake Street & Kirkland Avenue. I point out that any building in Design Area 1B which is proposed for construction at a height in excess of two stories is subject to and at the discretion of the Design Review Board. Even though there is language which establishes criteria for a height variance, it reads that additional stories “*may be appropriate*” and “*may be considered*”, not that they are to be automatically undertaken and approved. I submit that your Board is under no obligation to undertake a program of “fine-tuning” a flawed project.

I ask each of you to look carefully at the overall question of what factors create and encourage viable downtown pedestrian areas, effective patterns of retailing, and a strong sense of community identity for all of Kirkland, and submit that this is not such a project.

In closing, I direct your attention to the second paragraph of **XV.D-4 - 3A. Vision Statement**, which reads as follows:

“Future growth and development of the Downtown must recognize its unique identity, complement ongoing civic activities, clarify Downtown’s natural physical setting, enhance the open space network, and add pedestrian amenities. These qualities will be encouraged by attracting economic development that emphasizes diversity and quality within a hometown setting of human scale.”

We argue that four and five story buildings on the eastside of Lake Street, in juxtaposition to two story buildings on the west side of Lake Street are not a step in the right direction. In order to enhance the retail core and in order to foster a more pedestrian friendly area in downtown Kirkland, this project should be limited to two story construction, or rejected out-of-hand on the basis that new drive-through facilities are not to be permitted.

Your endeavor is very much appreciated.

Regards,



Dean W. Tibbott

CC: Mr. Eric Shields, Planning Director
Mr. Jeremy McMahon, Planning Supervisor
Ms. Janice Soloff, Senior Planner
Mr. Andy Loos – SRM Development

Kirkland-BoFA

Received by PCD 12-4-07

This letter is to let you know that I have concerns about the proposed
5
story redevelopment of the Bank of America site. Some of those
concerns
are:

It would go against the principal of keeping the "small town" feeling
of
down town.

It would not help the principal of retail/pedestrian oriented
businesses.

The drive-through as planned could create more danger for pedestrians.

Would it offer the same tax revenue to the city as retail?

Thank you for considering these issues.

Margaret Carnegie
11259 126th Ave. N.E.
Kirkland, WA 98033
425-822-2146

Janet Jonson

From: pgharris58@aol.com
Sent: Monday, December 10, 2007 7:10 PM
To: KirklandCouncil
Subject: Bank of America Site

I am not opposed to progress or change, but I am opposed to the continued allowance of oversized and ugly buildings that continue to be built in the downtown area. Little by little, the Hearing Examiner, the Planning Department, the City Manager, and developers have contributed the systematic ruin of our town. The character and charm of what use to be Kirkland, with a friendly human scale, interesting old architecture, having given way to stucco high rises, that all look like something from communist Russia.

The reason people have been attracted to Kirkland, is the sense of charm and uniqueness. If the continuation of large, oversized buildings overtake the smaller buildings downtown, we will become a sterile community. We are well on our way. It is the same thing that has happened in the older neighborhoods in Kirkland, with charming older homes being bulldozed for mega-masions. Everything is beginning to look the same.

About eight years ago, I participated on a citizen advisory group addressing zoning for the CBD. This group came together after the Portsmouth Condominium was built and everyone was upset at the size and scale. I don't remember having any discussions about bonus floors if you have preferred retail on ground level. Someone or some group must have made up this laughable concept. Here we are eight years later, and a variance here and a variance here, leads us to the ugliness we now have going on in Kirkland.

I am opposed to allowing the developer build anything over four levels at the most at the Bank of America site at Kirkland Avenue and Lake Street. Save our community from the uninspiring, oversized condominium sprawl that is eating up Kirkland. I hope the Council intervenes and prevents the further deterioration of our community.

Pat Harris
427 Slater Street South
Kirkland, WA 98033

More new features than ever. Check out the new AOL Mail!

Janice Soloff

From: Jeremy McMahan
Sent: Wednesday, December 12, 2007 8:56 AM
To: Janice Soloff; Jon Regala
Subject: FW: Development of Kirkland
Follow Up Flag: Follow up
Flag Status: Red

From: Janet Jonson
Sent: Wednesday, December 12, 2007 8:24 AM
To: Jeremy McMahan; Cheri Aldred
Subject: FW: Development of Kirkland

Quasi-judicial. JJ

Janet Jonson
 City Manager's Office
 City of Kirkland
 123 Fifth Avenue
 Kirkland, WA 98033
 425-587-3007
 425-587-3019
 jjonson@ci.kirkland.wa.us

From: Patricia Rice [mailto:patmrice@hotmail.com]
Sent: Tuesday, December 11, 2007 7:50 PM
To: KirklandCouncil
Cc: Patricia Rice
Subject: Development of Kirkland

City Council,

Today I received an e-mail with the information on the following proposals:

1. Bank of America development at Lake St and Kirkland Ave. 5 stories proposed with B of A and smaller retail at the bottom with 4 stories of Independent Senior residential above. They are asking for less than the required parking.
2. Merrill Gardens, the huge hole behind B of A will be 5 stories. Bottom floor retail and top 4 assisted living.
3. The McLeod proposal from Hectors to Calabria to Tully's. Four Stories, the bottom is retail with the top 3 office space. They are asking for less than the requited amount of parking.
4. Park Place development.

I do not want Kirkland to be filled by 4 and 5 story buildings that require no setbacks from the side walks with little or no free parking. Kirkland has already lost a lot of it's charm and uniqueness with the the number of condos and hotels that have been built in the last few years. I continually get disgusted every time I see a building get torn down and then a new hotel or condo being built in it's place. This pattern continues throughout the neighborhoods, where houses are torn down and monster houses are built that fill up the entire lot. There needs to be a lot more restrictions on all the development. If it is not contained, we are at risk of losing the reason that people move to Kirkland.

I am not a condo owner. I moved to Kirkland 32 years ago and live in a house on 5th street east of market. I don't expect things to stay the same, but I would like to have some of the amenities back that have been lost over the years. When I moved here, there were 2 grocery stores, a hardware store, a pharmacy, a furniture store, a Ben Franklin store, a JC Penneys and some really nice small clothing stores. It was a pleasure to shop in Kirkland. Now, there is only 1 small grocery store that is of any use for day to day shopping. I am also concerned about the development of Park Place. I am skeptical that it is going to really benefit the community. Are we going to have to pay to go to the grocery store? Are there going to be more empty stores because store owners can't afford the rent? Are we going to have a hardware store and a pharmacy back in this development?

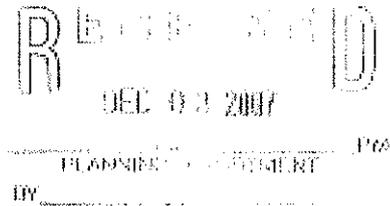
12/12/2007

Unfortunately, I could not attend the meeting tonight, but I wanted you give some input on these proposals. I know a lot of my neighbors feel the same way.

Patricia Rice
Concerned Kirkland Citizen.

December 3, 2007

Design Review Board
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033



File No. DRC07-00006

To Whom It May Concern:

Regarding the above file, I am opposed to this huge structure at 101 Kirkland. The changing of the character with this and other proposed building seems grossly overdone. The quality of our community is changing and we are losing that waterfront, comfortable, quaint little city.

I am also concerned with the inordinate amount of building and proposed buildings. The areas of Kirkland Ave. has wood framing and with amount of proposed with small alleys to the buildings give me great concern about the ability of the fire department to reach emergencies in effective time.

I would like to support a review by the citizens of Kirkland to see if they want these big structures built and losing their waterfront town. Please STOP all building in the CDI Area (Kirkland AVE and Lake Washington area) until a thorough review with citizen input can occur.

Cordially yours,

Wayne Hawley
108 2nd AVE. South, 102
Kirkland, WA 98033
425-889-0220
Fax 425-828-6918

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