

Jeremy McMahan

From: Eric Shields
Sent: Monday, November 21, 2011 11:34 AM
To: Jeremy McMahan
Cc: Teresa Swan
Subject: FW: Local input re: BN zones

Eric Shields

From: Uwkkkg@aol.com [<mailto:Uwkkkg@aol.com>]
Sent: Friday, November 18, 2011 7:14 PM
To: Planning Commissioners
Cc: uwkkkg@aol.com
Subject: Local input re: BN zones

Good Evening Commissioners:

Thank you for the work you've begun to do re: BN zones and things like 75% ground floor use as retail/office oriented to the main arterial, unlimited densities, etc.

Below is a letter of thanks that I sent to the Council members, City Manager and Attorney. We so appreciate them providing the opportunity to thoughtfully review BN zones rather than just allowing a path forward without careful review.

I am sending their letter to you, as well. You may already be engaged in this process...(or perhaps in the future???)

As you may know, there are several subgroups of neighbors concerned about unlimited density, and some of the other oddities :

- 1) Doesn't Neighborhood Business (BN) mean it is for a business that serves the neighborhood?
- 2) 75% of ground floor for retail/office uses - not sure when/why parking became an office. It is not an office.
- 2) Unlimited density Here's an example of how odd this can be:
Example Lake Washington Blvd/Lake St S...
Pre-1977 Surrounding properties at 24/acre, BN at 12/acre
1977 - Surrounding properties zoned to a lower 12/acre (not happy residents), BN still at 12/acre
Later (a year or two later) - Somehow the density cap got lifted off the BN zone (intentional? mistake?)
It would seem irrational that the city would have then intentionally given preferential "unlimited" density to one parcel in the midst of this turmoil. That's a rough outline of what appears to have happened.
***It would seem unlikely that the city would have then intentionally given preferential "unlimited" density to one parcel in the midst of this turmoil. That's a rough outline of what appears to have happened.
*** Rumor has it that the 1977 zone downwards was based on city concerns that the infrastructure couldn't handle 24/acre. There appears to have been a lawsuit that followed and reached a settlement in 1979. Again, it would seem rather peculiar if the city were to choose that time to preferentially treat one parcel in the midst of these neighbors... Their parcels, if built prior to 1977, became an unfavorable classification "legal non-conforming." That is an EXTREMELY difficult restriction as it pertains to repairs or possible need to rebuild (e.g. if structure so old that repairs would cost more than new... and wouldn't provide all the plumbing, electrical, fire safety, insulation, etc).

So, if I can answer any questions for you, please feel free to call me. I've been working with neighbors who have done a ton of research and know most of what has happened and where the problems lie.

My cellphone is from my office in San Francisco so has a 415 area code not 425
415-218-4452

Karen Levenson
6620 Lake Washington Blvd NE; Kirkland, WA 98033

From: Uwkkq@aol.com
To: ktreplett@kirklandwa.gov, jjonson@kirklandwa.gov, rjenkinson@kirklandwa.gov
BCC: uwkkq@aol.com
Sent: 11/18/2011 12:48:56 P.M. Eastern Standard Time
Subj: Thank you from Karen Levenson & neighbors

Dear Madame Mayor, Council members, City Manager, and City Attorney:
(Janet, please forward)

Thank you for the thoughtful contemplation that you have been demonstrating with the question of Potala.

I want you to know that my appreciation, and that of other neighbors, was immediate. This email has only been slowed by the fact that we had a mountain of materials to prepare for a very long traffic concurrency hearing (re: Potala) yesterday.

Now that the hearing is behind us, please know that we truly appreciate that Council, Planning Commission and city staff are taking a methodical look at the risks on each side... and what happened and why... We appreciate that you will also be reflecting on what has been intended for areas set aside for neighborhood businesses (perhaps as envisioned by the 1995 and 2004 Comp Plan as residential market?).

If we can provide a short-cut to any needed materials, or help answer any questions, please feel free to reach out. Some of the materials took considerable time and effort to locate. It might save some time for us to provide and the city could then authenticate (rather than starting over). ... Just a thought...hopefully helpful.

Again, thank you.

Karen Levenson

Jeremy McMahan

From: Eric Shields
Sent: Friday, November 18, 2011 11:14 AM
To: Teresa Swan; Jeremy McMahan
Subject: FW: Aerial
Attachments: Aerial - Lake Street at 10th.pdf

FYI

Eric Shields

From: Peter Powell [<mailto:pwpowell@powelldev.com>]
Sent: Friday, November 18, 2011 9:57 AM
To: Eric Shields
Subject: Aerial

Eric,

I don't know if you have this aerial from the earlier council meeting, but this is an area aerial with the number of units per parcel. One of the neighbors went out and counted actual dwelling units per property, near Lake St. and 10th. This is not a comprehensive plan or zoning number, but what is actually built.

Again, thanks for your help in this matter.

Cheers

Peter W. Powell

Powell Development Co.
2625 Northup Way
Bellevue, WA 98004
Office: (425) 828-4444
Direct: (425) 284-5050
Fax : (425) 284-5051

THIS EMAIL AND ANY ATTACHED FILES ARE CONFIDENTIAL, PROTECTED BY COPYRIGHT AND MAY BE LEGALLY PRIVILEGED. If you are not the intended addressee or have received the e-mail in error, any use of the e-mail or any copying, distribution, or other dissemination of it is strictly prohibited. If you have received this transmission in error, please notify the sender immediately and then delete the e-mail.



SITE:
 PROPOSED
 143 UNITS
 6,200 SF
 RETAIL

ALL
 SINGLE
 FAMILY
 RESIDENCES

FUTURE

© 2011 Google

© 2011 Europa Technologies

Google

Jeremy McMahan

From: Eric Shields
Sent: Monday, January 09, 2012 2:16 PM
To: Planning Commissioners
Cc: 'Uwkkkg@aol.com'; Kathi Anderson; Jeremy McMahan; Teresa Swan; Robin Jenkinson; Kurt Triplett
Subject: Letter from Karen Levinson

Commissioners,

Below is a message I received a few weeks ago concerning the Potala Village site which I was asked to forward it to you. A paper copy will be available at your meeting this Thursday.

Although a substantive discussion of the BN zoning regulations is not on your meeting agenda this week, I am planning to give you a brief update on the status of the moratorium adopted by the City Council and discuss the process for considering zoning and/ or Comprehensive Plan amendments while the moratorium is in effect.

See you on Thursday.

From: Uwkkkg@aol.com
To: Callshouse@kirklandwa.gov, jarnold@kirklandwa.gov, ktennyson@kirklandwa.gov, Aheld@kirklandwa.gov, Bkatsuyama@kirklandwa.gov, Gpeterson@kirklandwa.gov, mmiller@kirklandwa.gov, jpascal@kirklandwa.gov, Gpressley@kirklandwa.gov, Ktriplett@kirklandwa.gov, rjenkinson@kirklandwa.gov, jmcbride@kirklandwa.gov, psweet@kirklandwa.gov, dasher@kirklandwa.gov, jgreenway@kirklandwa.gov, bsternoff@kirklandwa.gov, dmarchio@kirklandwa.gov, awalen@kirklandwa.gov, rallshouse@kirklandwa.gov
Sent: 12/14/2011 10:29:41 P.M. Eastern Standard Time
Subj: BN zones - Moratorium - Requested copy of comments to KCC 12.12.11

I was asked to send a copy of my comments from the Kirkland City Council Meeting of 12.12.11

Please spend a quiet moment to review the hopes and plans of the past City Councils, Planning Commissions and neighbors as it relates to BN property on Lake St S. These comments provide a simple outline to a very complex set of decisions and "errors."

For the City Council, please have these included as formal comments for the upcoming Public Hearing.

For the Planning Commission, please review the comments below... This quick overview will help provide an outline... and many other issues will be filled in as we work forward. There is 6 months of research that we will be sharing with you as this moves forward and the brief intro below will help you assimilate things in the future.

Thanks much, Karen Levenson

== See comments from the audience info below == on behalf of approx 200 residents & 8 HOAs

Good Evening

My name is Karen Levenson

6620 Lake Washington Blvd, Kirkland where I am HOA President and have recently begun to represent to, some extent, some 200 homeowners from numerous HOAs and Single family homes near Lake Washington Boulevard.

Tonight, I want to say a special thank you to all of you who serve the citizens... We know how much time, and energy, and deep thought goes into your deliberations... I especially want to thank council member Greenway. Your efforts, over the years, have helped to build the Kirkland we know and love today... Your legacy of service is built into our fabric ... and we look forward to your continued expressions of love for, and service to, Kirkland.

This evening, I want to use my 3 minutes to tell the story of Kirkland's hopes and plans for the Boulevard (Lake Street and Lake Washington Boulevard). This is not just about the hopes and plans of the neighbors, but is also about the hopes and plans of past councils, city staff, and many other stakeholders.. I will be speaking about the hopes and dreams from 1976 until last year.

1) Prior to 1976, the properties along the Boulevard that were south of the Central Business District were being developed at 24 dwelling units per acre.

There was a neighborhood business property in the center of the Boulevard and it was restricted in that it could not be built to as great a density as the surrounding residential parcels..... The Neighborhood Business, (BN), zone allowed a developer to build only a single residence on the property ... Or... there was the opportunity to build multifamily at 18 dwellings per acre ... IF ... the residential units did not make up more than 10% of the overall project.

The BN zoned corner was only 1/4 acre at the time so that would have allowed for a maximum of 5 units of residential.

2) In 1977 the city of Kirkland realized this didn't meet their plansand WHOA Nelly!!!! The city put an abrupt halt to the densification that would otherwise overwhelm the infrastructure. They did so by deliberately reducing the development potential of ALL the properties from 7th Ave S (nearly CBD) ... to NE 63rd St (nearly Kid Valley). Properties were downzoned from 24 dwellings per acre to a maximum of 12 units per acre.

As you can imagine, there was a big old lawsuit and then a settlement between the city and neighbors. Hundreds of property owners lost 50% of their right to build, or redevelop their parcels. Those that had already been built to the higher intensity s intensely became "non- conforming" (and speaking as someone who has had to reconstruct one of these old buildings..... it really puts those property owners in "the penalty box" anytime they need major repairs or upgrades).

3) In 1982, and then in 1983, there was a poorly written ordinance that was followed up one year later with an ordinance trying to correct the misstatements, type-"o"s and graphing errors of the earlier ordinance.... It appears that this is where the density cap on Neighborhood Business zones was inadvertently removed.

4) In 1995, it was recognized that two parcels of commercial use along LWB had issues regarding traffic ingress and egress. One was listed as a BN zone (the Michaels Dry Cleaners property) and one was listed as Residential Multifamily 3.6 (the Super 24 mini-mart) parcel.

Due to many of the same concerns of 1977, it was recognized that these properties needed to be less utilized than other BN and similar commercial zones in Kirkland... They would require their own zoning designation ... "Residential Market - Commercial," and these would be close cousins to, but less intense than, "Neighborhood Center - Commercial."

LU-2 map was adopted and there BN and BC zones were identified as either "Neighborhood Center" or "Residential Market" ...The primary difference is that Residential Market did NOT include residential housing as an approved use Neighborhood Center was basically the Residential Market designation(serving neighborhood needs)plus the addition that "residential units may be located on upper stories of commercial buildings in the Center."

There are 4 Neighborhood Centers identified on the commercial map They are Houghton, Juanita, Market and Bridle Trails

There are 2 Residential Markets. These are on the north and south end of the same block along LWB.

This was approved by ordinance and put on the implementation calendar for a Zoning Use Chart in 1995.

5) During the 2004 Comprehensive Plan Update, the implementation step of describing "Residential Market" zoning had not yet been accomplished. During the update process an asterisk and "High Priority" was assigned to the task of describing the uses and restrictions outlined and approved by ordinance for these "Markets." To fulfill the requirement of the Growth Management Hearings Board, the due date for having developmental regulations that would fully implement the plan was due by December 1, 2004. That date passed leaving the clarifying charts for another day. This is now why "STOP" has filed a "Failure To Act" claim with the hearings board.

6) At this time, the schedule for the neighbors and the city to present their cases to the board estimates a Final Decision and Order in Mid-May.

We are asking that the Moratorium on BN zones be extended to provide sufficient time for the Growth Management folks to review the facts and issue their opinion. This will help ensure that all decisions have the opportunity of being well coordinated.

Thank you.

Jeremy McMahan

From: Eric Shields
Sent: Monday, January 09, 2012 2:16 PM
To: Planning Commissioners
Cc: 'Uwkkkg@aol.com'; Kathi Anderson; Jeremy McMahan; Teresa Swan; Robin Jenkinson; Kurt Triplett
Subject: Letter from Karen Levinson

Commissioners,

Below is a message I received a few weeks ago concerning the Potala Village site which I was asked to forward it to you. A paper copy will be available at your meeting this Thursday.

Although a substantive discussion of the BN zoning regulations is not on your meeting agenda this week, I am planning to give you a brief update on the status of the moratorium adopted by the City Council and discuss the process for considering zoning and/ or Comprehensive Plan amendments while the moratorium is in effect.

See you on Thursday.

From: Uwkkkg@aol.com
To: Callshouse@kirklandwa.gov, jarnold@kirklandwa.gov, ktennyson@kirklandwa.gov, Aheld@kirklandwa.gov, Bkatsuyama@kirklandwa.gov, Gpeterson@kirklandwa.gov, mmiller@kirklandwa.gov, jpascal@kirklandwa.gov, Gpressley@kirklandwa.gov, Ktriplett@kirklandwa.gov, rjenkinson@kirklandwa.gov, jmcbride@kirklandwa.gov, psweet@kirklandwa.gov, dasher@kirklandwa.gov, jgreenway@kirklandwa.gov, bsternoff@kirklandwa.gov, dmarchio@kirklandwa.gov, awalen@kirklandwa.gov, rallshouse@kirklandwa.gov
Sent: 12/14/2011 10:29:41 P.M. Eastern Standard Time
Subj: BN zones - Moratorium - Requested copy of comments to KCC 12.12.11

I was asked to send a copy of my comments from the Kirkland City Council Meeting of 12.12.11

Please spend a quiet moment to review the hopes and plans of the past City Councils, Planning Commissions and neighbors as it relates to BN property on Lake St S. These comments provide a simple outline to a very complex set of decisions and "errors."

For the City Council, please have these included as formal comments for the upcoming Public Hearing.

For the Planning Commission, please review the comments below... This quick overview will help provide an outline... and many other issues will be filled in as we work forward. There is 6 months of research that we will be sharing with you as this moves forward and the brief intro below will help you assimilate things in the future.

Thanks much, Karen Levenson

== See comments from the audience info below == on behalf of approx 200 residents & 8 HOAs

Good Evening

My name is Karen Levenson

6620 Lake Washington Blvd, Kirkland where I am HOA President and have recently begun to represent to, some extent, some 200 homeowners from numerous HOAs and Single family homes near Lake Washington Boulevard.

Tonight, I want to say a special thank you to all of you who serve the citizens... We know how much time, and energy, and deep thought goes into your deliberations... I especially want to thank council member Greenway. Your efforts, over the years, have helped to build the Kirkland we know and love today... Your legacy of service is built into our fabric ... and we look forward to your continued expressions of love for, and service to, Kirkland.

This evening, I want to use my 3 minutes to tell the story of Kirkland's hopes and plans for the Boulevard (Lake Street and Lake Washington Boulevard). This is not just about the hopes and plans of the neighbors, but is also about the hopes and plans of past councils, city staff, and many other stakeholders.. I will be speaking about the hopes and dreams from 1976 until last year.

1) Prior to 1976, the properties along the Boulevard that were south of the Central Business District were being developed at 24 dwelling units per acre.

There was a neighborhood business property in the center of the Boulevard and it was restricted in that it could not be built to as great a density as the surrounding residential parcels..... The Neighborhood Business, (BN), zone allowed a developer to build only a single residence on the property ... Or... there was the opportunity to build multifamily at 18 dwellings per acre ... IF ... the residential units did not make up more than 10% of the overall project.

The BN zoned corner was only 1/4 acre at the time so that would have allowed for a maximum of 5 units of residential.

2) In 1977 the city of Kirkland realized this didn't meet their plansand WHOA Nelly!!!! The city put an abrupt halt to the densification that would otherwise overwhelm the infrastructure. They did so by deliberately reducing the development potential of ALL the properties from 7th Ave S (nearly CBD) ... to NE 63rd St (nearly Kid Valley). Properties were downzoned from 24 dwellings per acre to a maximum of 12 units per acre.

As you can imagine, there was a big old lawsuit and then a settlement between the city and neighbors. Hundreds of property owners lost 50% of their right to build, or redevelop their parcels. Those that had already been built to the higher intensity s intensely became "non- conforming" (and speaking as someone who has had to reconstruct one of these old buildings..... it really puts those property owners in "the penalty box" anytime they need major repairs or upgrades).

3) In 1982, and then in 1983, there was a poorly written ordinance that was followed up one year later with an ordinance trying to correct the misstatements, type-"o"s and graphing errors of the earlier ordinance.... It appears that this is where the density cap on Neighborhood Business zones was inadvertently removed.

4) In 1995, it was recognized that two parcels of commercial use along LWB had issues regarding traffic ingress and egress. One was listed as a BN zone (the Michaels Dry Cleaners property) and one was listed as Residential Multifamily 3.6 (the Super 24 mini-mart) parcel.

Due to many of the same concerns of 1977, it was recognized that these properties needed to be less utilized than other BN and similar commercial zones in Kirkland... They would require their own zoning designation ... "Residential Market - Commercial," and these would be close cousins to, but less intense than, "Neighborhood Center - Commercial."

LU-2 map was adopted and there BN and BC zones were identified as either "Neighborhood Center" or "Residential Market" ...The primary difference is that Residential Market did NOT include residential housing as an approved use Neighborhood Center was basically the Residential Market designation(serving neighborhood needs)plus the addition that "residential units may be located on upper stories of commercial buildings in the Center."

There are 4 Neighborhood Centers identified on the commercial map They are Houghton, Juanita, Market and Bridle Trails

There are 2 Residential Markets. These are on the north and south end of the same block along LWB.

This was approved by ordinance and put on the implementation calendar for a Zoning Use Chart in 1995.

5) During the 2004 Comprehensive Plan Update, the implementation step of describing "Residential Market" zoning had not yet been accomplished. During the update process an asterisk and "High Priority" was assigned to the task of describing the uses and restrictions outlined and approved by ordinance for these "Markets." To fulfill the requirement of the Growth Management Hearings Board, the due date for having developmental regulations that would fully implement the plan was due by December 1, 2004. That date passed leaving the clarifying charts for another day. This is now why "STOP" has filed a "Failure To Act" claim with the hearings board.

6) At this time, the schedule for the neighbors and the city to present their cases to the board estimates a Final Decision and Order in Mid-May.

We are asking that the Moratorium on BN zones be extended to provide sufficient time for the Growth Management folks to review the facts and issue their opinion. This will help ensure that all decisions have the opportunity of being well coordinated.

Thank you.

Jeremy McMahan

From: Uwkkkg@aol.com
Sent: Tuesday, January 17, 2012 9:59 AM
To: Robin Jenkinson; Kurt Triplett; Janet Jonson; Eric Shields; Paul Stewart; Jeremy McMahan; Joan McBride; Doreen Marchione; Dave Asher; Toby Nixon; Bob Sternoff; pswtewart@kirklandwa.gov; Amy Walen; Jay Arnold; Mike Miller; C Ray Allshouse; C Ray Allshouse; Andrew Held; Byron Katsuyama; Jon Pascal; GPeterson@kirkalndwa.gov; George Pressley; Karen Tennyson
Cc: uwkkkg@aol.com; neighboringproperties@gmail.com
Subject: 1.17.12 Attorney Letter STOP v. Kirkland - STOP"Support The Ordinances and Plan"
Attachments: 11712A~1.PDF

To: City Manager, City Attorney, Planning Staff, Council Members and Planning Commissioners:

Attached is an attorney letter delivered to the City of Kirkland this morning. Please take time to read it thoroughly.

I hope you will join the many of us who see it as a positive sign when parties can use their time and energy towards creating a solution rather than arm-wrestling in courts or hearings boards.

My best,
Karen Levenson

January 17, 2012

Robin S. Jenkinson
City Attorney
City of Kirkland
123 Fifth Ave.
Kirkland, WA 98033

via email: RJenkinson@kirklandwa.gov

Re: *STOP v. City of Kirkland*
CPSGMHB NO. 11-3-0010

Dear Ms. Jenkinson:

My client, Support the Ordinances and Plan ("STOP") will be dismissing its appeal before the GMHB today. STOP has asked me to forward to the City Council a brief explanation. Because we are currently engaged in litigation before the GMHB, I am writing to you directly but ask that you pass this letter along to the City Council for their review.

On November 10, 2011, STOP filed a Petition for Review ("PFR") before the Growth Management Hearings Board challenging the City's failure to act to adopt zoning consistent with the Residential Market Comprehensive Plan designation. For several months prior to filing its PFR, members of STOP had been asking the City to stop review of the Potlatch Village project, and instead, to take action to review and finally adopt zoning that implemented the Residential Market Comprehensive Plan designation. Members of STOP informed the City that they would seek review by the GMHB if the City failed to take action. Unfortunately, after the City failed to take action to adopt implementing and consistent zoning, STOP was indeed forced to seek GMHB intervention.

Since STOP filed its PFR the City has taken several positive actions, including: (1) adopting an emergency moratorium on review and issuance of development permits within the BN zone; (2) holding a public hearing and adopting Ordinance O-4343 on January 3, 2012 imposing a 6 month moratorium on acceptance of applications or issuance of development permits in the BN zone; and (3) including within that Ordinance a schedule for review and adopting of amendments to the zoning code to make it consistent with the Comprehensive Plan. STOP and its members were also heartened by comments from several City Council Members during the hearing recognizing that there was indeed an issue that needed to be resolved so that the community develops the way the community wants it to, and recognizing that the disparity between the BN zoning and surrounding neighborhood must be addressed.

Robin Jenkinson
January 17, 2012
Page 2

These actions are precisely the actions that STOP was seeking from the City prior to filing its PFR. STOP believes that the City's actions reflect the relief it was seeking from the GMHB and therefore it no longer needs the GMHB's intervention or involvement. STOP has therefore asked me to dismiss the pending PFR and focus my energies instead on helping it monitor and review the City's current process as it moves forward. STOP hopes that through an orderly process, the existing conflict can be resolved in a manner that is fair to the community and developer.

We are hopeful that the City will use the time it has set out in Ordinance O-4343 to focus on the immediate task of simply adopting new zoning that implements the Residential Market Comprehensive Plan designation. While we are concerned that some may want to instead attempt to amend the Comprehensive Plan, we hope that you will agree that now is not the time. While you can certainly adopt new zoning that implements the Comprehensive Plan, we do not see that there is an emergency consistent with KMC 140.35 that would allow the City amend its Comprehensive Plan outside of the regular docket process.

We want to make it very clear that we do not believe that the "failure to act" we filed before the GMHB claim was in any way improper. Indeed, there are members of the community that may consider this same course of action in the event the City decides to lift the current moratorium without taking appropriate action. STOP prefers, however, to work with the City to make sure the process is successful. STOP does, however, reserve its right to file a new PFR in the event the City takes action that is inconsistent with the GMA's requirement that zoning actually implement the comprehensive plan or inconsistent with the amendment process.

On behalf of its members, STOP thanks you for the actions you have taken to date to recognize the problem with the existing BN zoning and to move forward with review and amendments in order to fully implement the intent of the Residential Market.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

GENDLER & MANN, LLP



David S. Mann

Jeremy McMahan

From: Uwkkkg@aol.com
Sent: Wednesday, January 25, 2012 5:00 AM
To: Eric Shields; Mike Miller
Cc: Jeremy McMahan; uwkkkg@aol.com; neighboringproperties@gmail.com
Subject: Planning Feb 9 Planning Commission Meeting

Hi Eric and Mike (Mr. Miller):

Let me inquire, or address, the comment that I've excised from Eric's email to me...(entire email is attached)

"In preparing for the February 9 Planning Commission meeting, Jeremy and I met with Mike Miller, vice chair of the Commission. He asked that we not focus our time on the history of the zoning at that meeting, but rather provide information and options for making revisions to what now exists."

If I understand Eric's comments correctly, we are not going to pay attention to the history, or what has been "planned" for these parcels?

That is concerning since it is the history of past agreements that the city attorney, Robin Jenkinson, prepared for the challenge with the Growth Management Hearings Board.

Also, several of the Council members stated things like "we need to get all the facts on the table" and "I don't believe this is what was intended"

... So we really need to know what was intended for the properties. After all, isn't that what planning for a 20 year horizon is about? Isn't that the sole purpose of planning? Isn't that what GMA requires and what the courts would review?

Also, if we move forward without knowing why decisions were made then we will undoubtedly run afowl of things like the legal agreements (that still apply) between all the property owners South of 7th Ave S and City of Kirkland. This could cause us some major problems!!!

Additionally, if we do not do things consistent with the 20 year plan, we are likely to be back in front of the Growth Management Hearings board or Superior Court.... When Robin prepared documents for the hearings board recently she provided the historical records.

We are here to correct the ways that the zoning doesn't match the Comprehensive Plan.

If we are instead trying to change the plan because we think that the documented 1993 suggestion by Staff (Eric's team) for Residential Market should now be changed for a proposed development, that would be a Private Amendment Request. There are numerous developers waiting to have their PARs reviewed.

If we want to do a City initiated Comp Plan Amendment then there are issues regarding compatibility and impact with surrounding neighborhood, benefit to community as a whole (KZC 140) ... and avoidance of spot zoning.... (NOTE: there are 2 BN properties and 2 Residential Market Properties)

Karen Levenson

In a message dated 1/24/2012 6:16:14 P.M. Eastern Standard Time, EShields@kirklandwa.gov writes:

Karen,

The information you are requesting would take a long time to research. Essentially we would have to go over files over the course of several/ many years to determine precisely when different actions happened. In preparing for the February 9 Planning Commission meeting, Jeremy and I met with Mike Miller, vice chair of the

Commission. He asked that we not focus our time on the history of the zoning at that meeting, but rather provide information and options for making revisions to what now exists. We can certainly check with the Commission on February 9 to see if they would like us to do more historical research.

However, if you would like to do some of this research yourself, you may of course submit a public information request through Kathi Anderson, and we can get going on ordering the desired files from archives.

Eric Shields

From: Uwkkkg@aol.com [mailto:Uwkkkg@aol.com]
Sent: Tuesday, January 24, 2012 9:33 AM
To: Eric Shields; Robin Jenkinson; Kurt Triplett
Cc: uwkkkg@aol.com; neighboringproperties@gmail.com
Subject: Karen Levenson - 1 or 3 Commercial properties @ 10th & LWB

Hi Eric:

This is the 2nd request that is important for the review of BN zones that we are involved with. Again, likely good to make this fairly high in priority to help us get through all the investigation and decisions before the moratorium runs out.

As we've seen, there is a history at the corner of 10th Ave S and Lake St S

Just before 1995 the zoning map consistently only showed one property as BN (corner)Then the neighbors

During that time some odd things happened with the Comprehensive Plan land use map

- 1) Originally only the one corner property was commercial
- 2) Then a later land use map shows all 3 properties as commercial
- 3) Then an even later land use map reverts back to just one commercial property (corner lot)

NOTE: This is what the neighborhood team referred to as "flip-flopping" land use maps.

2) Again, speaking to the requirement that city's must "show their work," we need to see that the changes to the non-corner parcels were intentionally made.

- a) The neighborhood team has been digging through city documents and we do not find anything.
- b) I believe the city has been digging through city documents for 6 months and has not found anything.

Request: Please have your team provide one final, thorough review so we'll know for sure.

We are looking for any of the following:

- Staff memo recommending the Change in Land use category or city initiated amendment to LU
- Private amendment request by the two property owners for the non-corner parcels
- Official "Notice" mailed to property owners of the RM 3.6 parcel (10th) or the RS 8.5 Parcel (Lake St)
- Official "Notice" mailed to neighboring or surrounding property owners
- Ordinance changing the **land use** classification of the two parcels to BN
- Publication of the change in land use of these parcels in the Seattle Times (official newspaper of COK)

NOTE: To show that change in land use designation was intentional, we need to show the deliberate steps that were taken. This is particularly significant since the later change in zoning was done to match the zoning with the land use. If there was a scrivners error (or other unintentional change) in the land use maps this is significant to our review.

3) Also of note, I had heard that commercial properties were not generally allowed on side streets (neighborhood streets) so that there was not an incompatible use. It is odd that the parcel on 10th would have been allowed to change into a commercial property.

Thanks again,

Karen Levenson

Jeremy McMahan

From: Uwkkkg@aol.com
Sent: Thursday, January 26, 2012 10:18 AM
To: Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Jay Arnold; Janet Jonson
Cc: uwkkkg@aol.com; neighboringproperties@gmail.com
Subject: Planning Commission: Historical Legal re BN Residential Mkt implementing zoning
Attachments: NO1HIS~1.PDF

Note: Sending the emails in batches to avoid being seen as spam
Also sending to City Council, Staff, City Attorney and the neighbor groups and attorneys
=====

Dear Commissioners (and others):

I am sending numerous documents that have historical legal significance as it relates to BN Residential Market - Commercial and the zoning use charts that we've been awaiting for years.

While there are numerous documents that require sending the email in batches, the 30+ pages are misleading since most only have one or two highlighted areas and often a later year is just repetitive of what was shown before. So, thank you for your patience and for carefully reviewing the documents. They show numerous things, from the concerns and drastic action taken all along LWB / Lake St S due to traffic ingress and egress issues (rezone all properties severely downward), to the need for a BN zone restriction to something low intensity (suggested as "Residential Market - Commercial by staff reporting to Eric Shields in 1993), to the 3 year process wherein this concept was vetted nearly 6 times a year with public, GMA Land Use Subcommittee, Planning commission and City Council. The Residential Market commercial has experienced a few minor tweeks in wording (2004 change) as it's been reviewed along the way. Nearly every two years it has appeared in an Ordinance adopted by City Council.

Since 1995, Residential Market Commercial has been listed as an item that requires staff to design the zoning use chart that will implement this designation that was carefully and intentionally made. As you'll see in repeat Implementation charts, the items that usually got staff's time were those that generally applied to larger geography. (Res Mkt only applies to two small areas in the city). Still, the neighbors and the city await the zone use chart that will finally implement the adopted Comprehensive Plan.

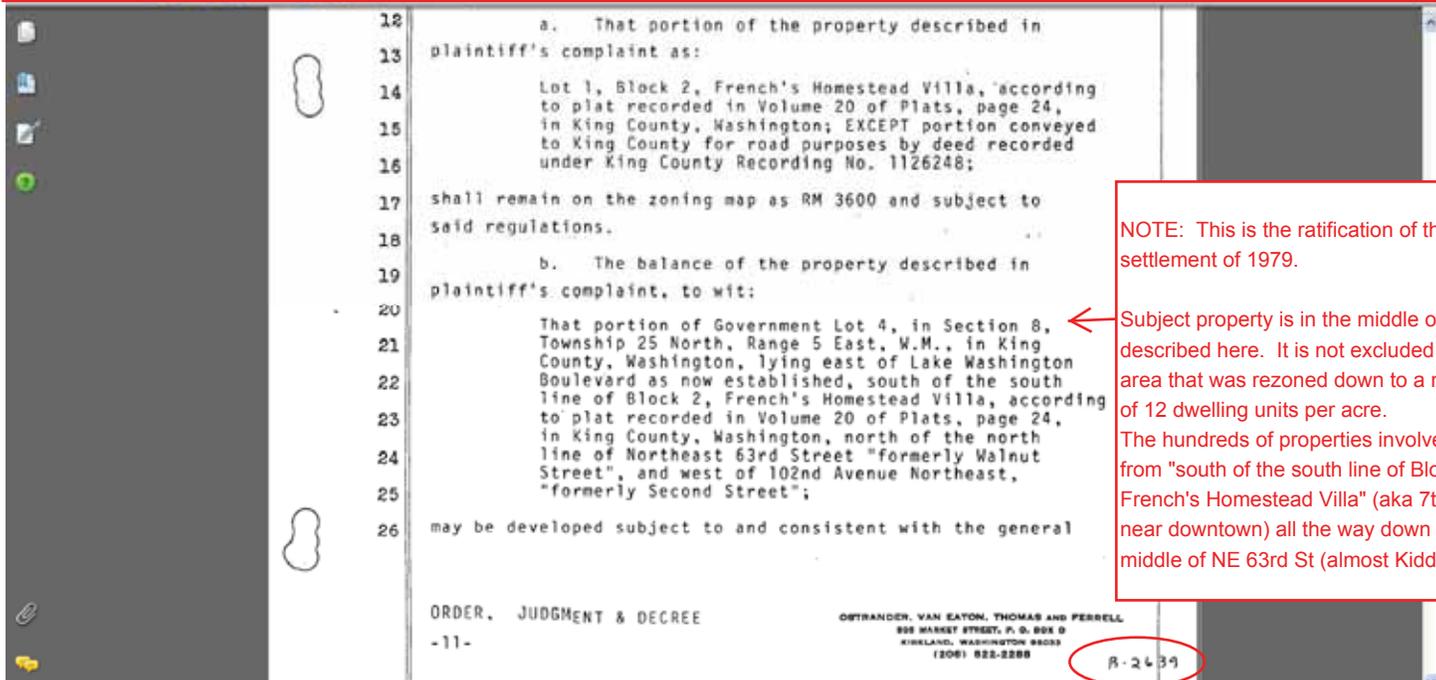
Thank you for spending some time with the 7 attachments that will follow (again, most are quick to review). These are the product of nearly 9 months of research by neighbor groups and other Kirkland Citizens.

Karen Levenson

1. June 22, 1979 Resolution 2639

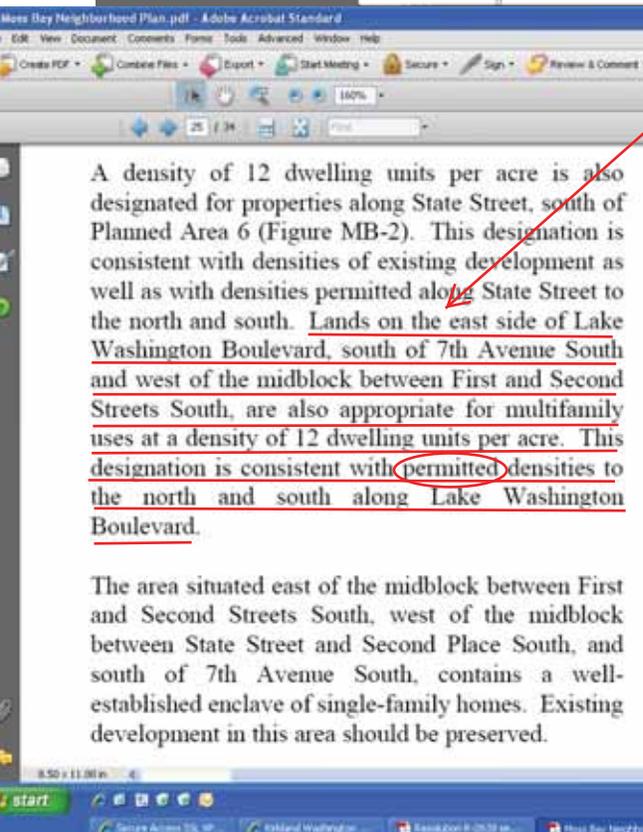
1977 Rezone downward to Max 12 du/acre

1979 Resolution ratifying the legal settlement between the City of Kirkland and the neighbors



NOTE: This is the ratification of the legal settlement of 1979.

Subject property is in the middle of the area described here. It is not excluded from the area that was rezoned down to a maximum of 12 dwelling units per acre. The hundreds of properties involved run from "south of the south line of Block 2, French's Homestead Villa" (aka 7th Ave S, near downtown) all the way down to the middle of NE 63rd St (almost Kidd Valley).



Resulting language in the Comp Plan is shown in these bottom screenshots

Pg XV.24 Moss Bay Chapter Comp Plan Limits to 12 dwelling units per acre

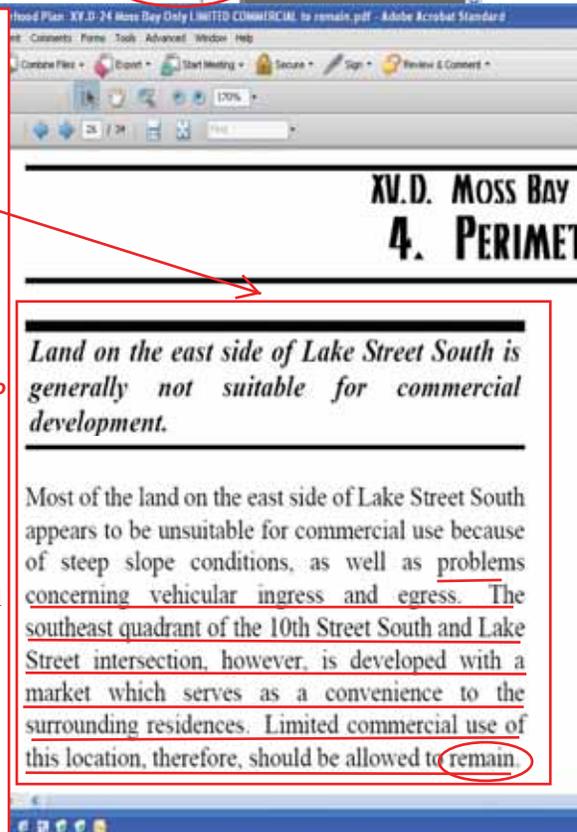
Pg XV.23 Moss Bay Chapter Comp Plan The subject property is specifically mentioned. The east side of LWB is identified as generally unsuitable for commercial and vehicular ingress and egress is one reason. **Since a small residential "Market" is a convenience to the neighbors, "LIMITED commercial use of this location, therefore, should be allowed to REMAIN" [emphasis added].**

IMPORTANT NOTE:
BOTH these passages were highlighted by the city and given to the current applicant during pre-submittal meeting as you will see in later exhibits !!!!

Also, the presubmittal packet states that the neighborhood plan specifically addresses the subject property!!!

And presubmittal identifies need for:

- 1. Environmental Checklist (this checks for consistency with Comp Plan)
- 2. Substantial Development Application This also checks for consistency with Comprehensive Plan



Land on the east side of Lake Street South is generally not suitable for commercial development.

Most of the land on the east side of Lake Street South appears to be unsuitable for commercial use because of steep slope conditions, as well as problems concerning vehicular ingress and egress. The southeast quadrant of the 10th Street South and Lake Street intersection, however, is developed with a market which serves as a convenience to the surrounding residences. Limited commercial use of this location, therefore, should be allowed to remain.

- (4) Development in this area is to be oriented toward Lake Washington Boulevard and away from the residential areas to the north and east. Landscaped buffers are required where non-residential development is adjacent to residential development.
- (5) If restaurants are considered, then they will be a "sit-down dining" type of facility. Take-out and fast food facilities will not be permitted. After any restaurant proposal is approved in this area, and prior to other restaurant proposals, the city will re-evaluate the impact of restaurants on the area in order to determine if additional facilities are compatible with the Park and will not significantly affect parking and traffic conditions.

A convenience commercial grocery store located on Lake Washington Boulevard and NE 64th Street serves a localized need by providing limited grocery service to the surrounding neighborhood. The use should be allowed to remain at this site but no further development of retail commercial facilities in this area should be permitted (see Economic Activities Policy 1). An additional vacant commercial activity and a small antique shop exists at the corner of NE 60th Street and Lake Washington Boulevard. Neighborhood convenience uses are not appropriate at this location due to parking problems. Commercial uses should be phased out, but the existing structure should remain.

Commercial activities along Lake Washington Boulevard to be limited.

This is discussing one of the two "Residential Market-Commercial" properties.

They are both on the same block. One at the north end and the other on the south end

should be located at the intersection of Lake Washington Boulevard and Lakeview Drive. East of the Blvd., more than one primary point of access may be necessary due to the divided ownership pattern. Nevertheless, the number of access points should be kept to the smallest possible number.

Public and private development opportunities in Planned Area 15 can best be achieved with a coordinated and planned approach to development. To this end, a Master Development Plan should be submitted for public review and City approval as a prerequisite to any development. The Master Plan should encompass all properties under common ownership within and adjacent to Planned Area 15, setting forth the major features of all future development. Subsequent to Master Plan adoption, development may be proposed and approved by the City as a single unit or in phases, provided that each phase is reviewed to ensure Master Plan compliance.

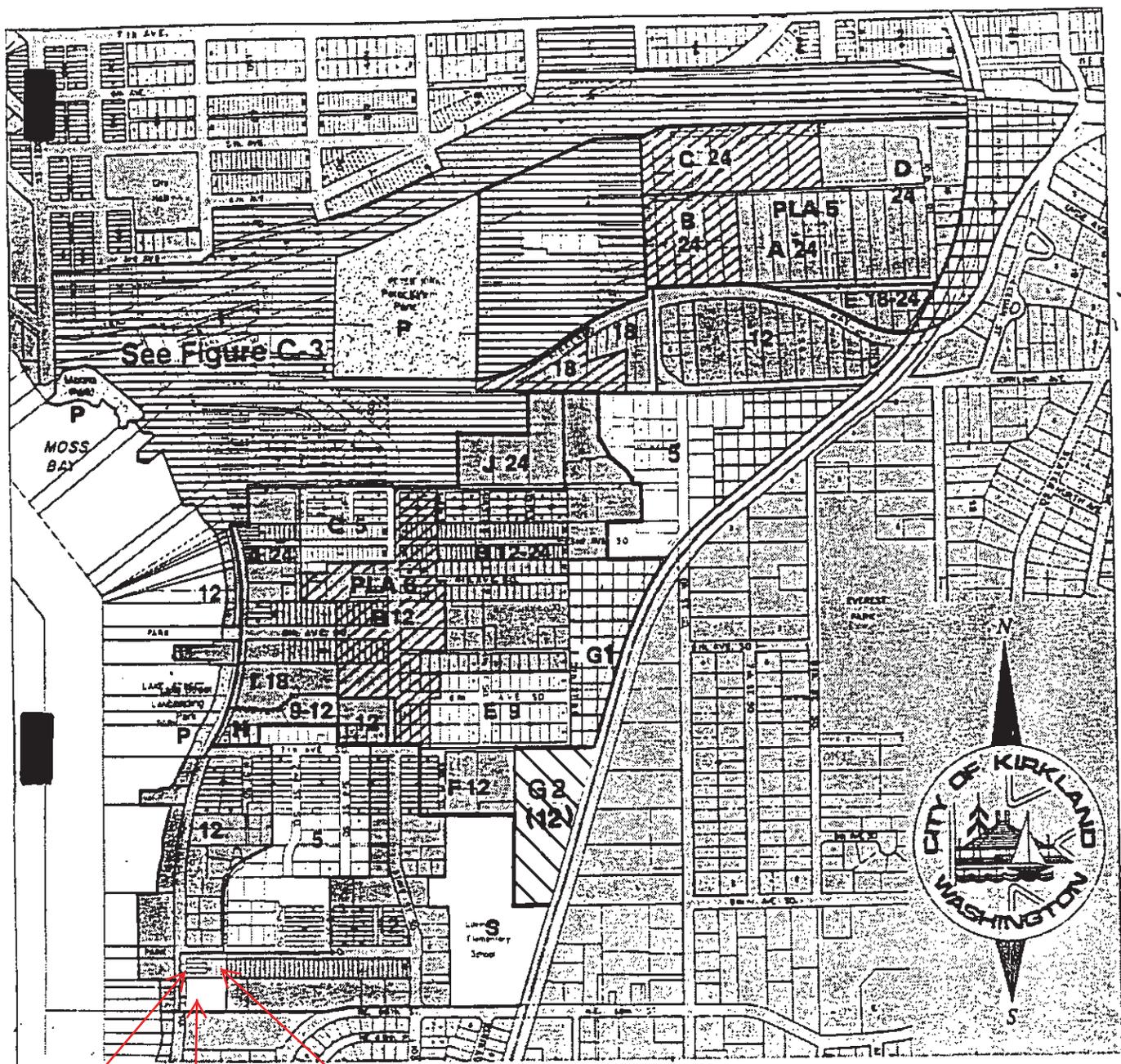
~~Residential uses are permitted in the Shoreline area.~~ Existing development elsewhere in the Shoreline Area is primarily residential. As discussed in the Shoreline Master Program, residential uses should continue to be permitted along the shoreline. ~~Except for residential uses described in Outside of Planned Areas 2, and 3 and 15 and the Yarrow Slough Slope, which are discussed above,~~ multi-family uses ~~would~~ should be permitted along the shoreline at medium densities (10 to 14 dwelling units per acre). This is a lowering of densities at which multi-family developments have taken place in the past. This new density is consistent with the density of apartment development on the east side of Lake Washington Boulevard, west of Lakeview Drive. Past densities have created severe ingress and egress problems on to Lake Washington Boulevard.

Planned Area 15 should be developed as a single unit. Development should be subject to approval of a Master Plan.

This describes the ingress and egress problems of the area and the justification for rezoning the properties downward to 12-14 dwelling units per acre (from 24 previously).

This is the result of the 1977 rezone and was settled between the neighbors and the city during a 1979 lawsuit and legal agreement.

New properties now cannot be built to more than 12 dwelling units per acre. If previously built at 24 du/acre they are now non-conforming. If rebuilt they lose 1/2 the development rights... can only be 12.



This is the corner property that has always been on land use and zoning map as BN commercial

This property went from RS 8.5 to RM 3.6

This is the property that the developer would like to lease from Luella O'Connor (there is an exit clause for him). You'll see here that it is low density on Land use map. Also on the 1991 zoning map has this as Single Family RS 8.5

- Residential Low density
- Residential Medium and high density
- 24 Maximum allowable dwelling unit density
- Office/Multi-family
- Planned area
- Commercial
- Industrial
- School
- Park
- Industrial/Multi-family

EXHIBIT A
FIGURE C-2
0-3016

is outside this neighborhood shown with a light gray tint
Published in 1989 by the City of Kirkland, WA
Cartography by Rainier Mapping, Tacoma, WA

Jeremy McMahan

From: Uwkkkg@aol.com
Sent: Thursday, January 26, 2012 10:21 AM
To: Uwkkkg@aol.com; Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Jay Arnold; Janet Jonson
Cc: neighboringproperties@gmail.com
Subject: 2 of 7: Planning Commission: Historical Legal re BN Res Mkt implementing zoning
Attachments: NO2HIS~1.PDF

Here's the 2nd of 7 attachments. I hope you are finding them quick to review.

Please call me with any questions. We've had a whole team reviewing documents for nearly 9 months, so most answers are at our fingertips.

Thanks,
Karen Levenson
415-218-4452

It is important to note that the following was the recommendation of Planning Staff - Eric Shields is Director at this time

Defining the nodes requires a meshing of the broad regional definitions found in the Countywide Planning Policies and Vision 2020 with the smaller scale nodes described in the existing Comprehensive Plan. Staff proposes the following development node definitions:

Activity areas. Locations that contain a moderate concentration of commercial land uses and some adjacent higher density residential areas. Activity Areas are distinguishable from neighborhood centers by their larger size and their function as a significant focal point for the local and regional community.

The activity area definition is taken almost verbatim from the Countywide Planning Policies discussion. For consistency throughout the County, it is important that a common definition for larger scale, regionally important, commercial/industrial areas be used.

Commercial clusters. Commercial clusters are smaller scale activity areas, which contain a greater percentage of office development than either activity areas or neighborhood centers. Commercial clusters serve a subregional market, as well as the local community. Uses in a commercial cluster may include offices, limited retail, hotels, restaurants, and other small-scale service businesses.

The commercial cluster definition is modified from the activity area definition to acknowledge that, although the commercial cluster does serve more than a local market, it is smaller and more compact than an activity area. The commercial cluster definition focuses on the predominance of office use (and supporting retail and services) in these areas.

Neighborhood centers. Areas of commercial activity dispensing commodities primarily for individuals within the neighborhood. A supermarket may be a major tenant; other stores may include a drug store, variety, hardware, barber, beauty shop, laundry, dry cleaning, and other local retail enterprises. These centers provide facilities to serve the everyday needs of the neighborhood rather than providing services on a community-wide base. Neighborhood centers should have a pedestrian orientation and should be connected to activity areas and/or commercial clusters by local transit.

The neighborhood center definition is taken from the existing Comprehensive Plan, but is augmented by the Countywide Planning Policies, Vision 2020, and Kirkland's draft Vision Statement. While the existing Comprehensive Plan definition acknowledges that neighborhood centers serve the surrounding community and are of a smaller scale than activity areas or commercial clusters, this definition reinforces the pedestrian and transit orientations of these centers.

See next page for Residential Markets

Residential market. These facilities are individual stores or very small mixed use buildings/centers focused on local pedestrian traffic only. Residential scale and design are critical to integrate these uses into the residential area. Uses may include corner grocery stores, small service businesses (social service outlets, daycares), laundromats, and small coffee shops or community gathering places.

The residential market definition is the first step towards acknowledging not only the small scale retail which presently exists, but also the smaller-scale, pedestrian-friendly nodes referenced in the draft Vision Statement. During the visioning process, "corner stores" were repeatedly referenced. Further work on this concept is necessary. The residential market discussion should continue through the Committee's consideration of mixed use.

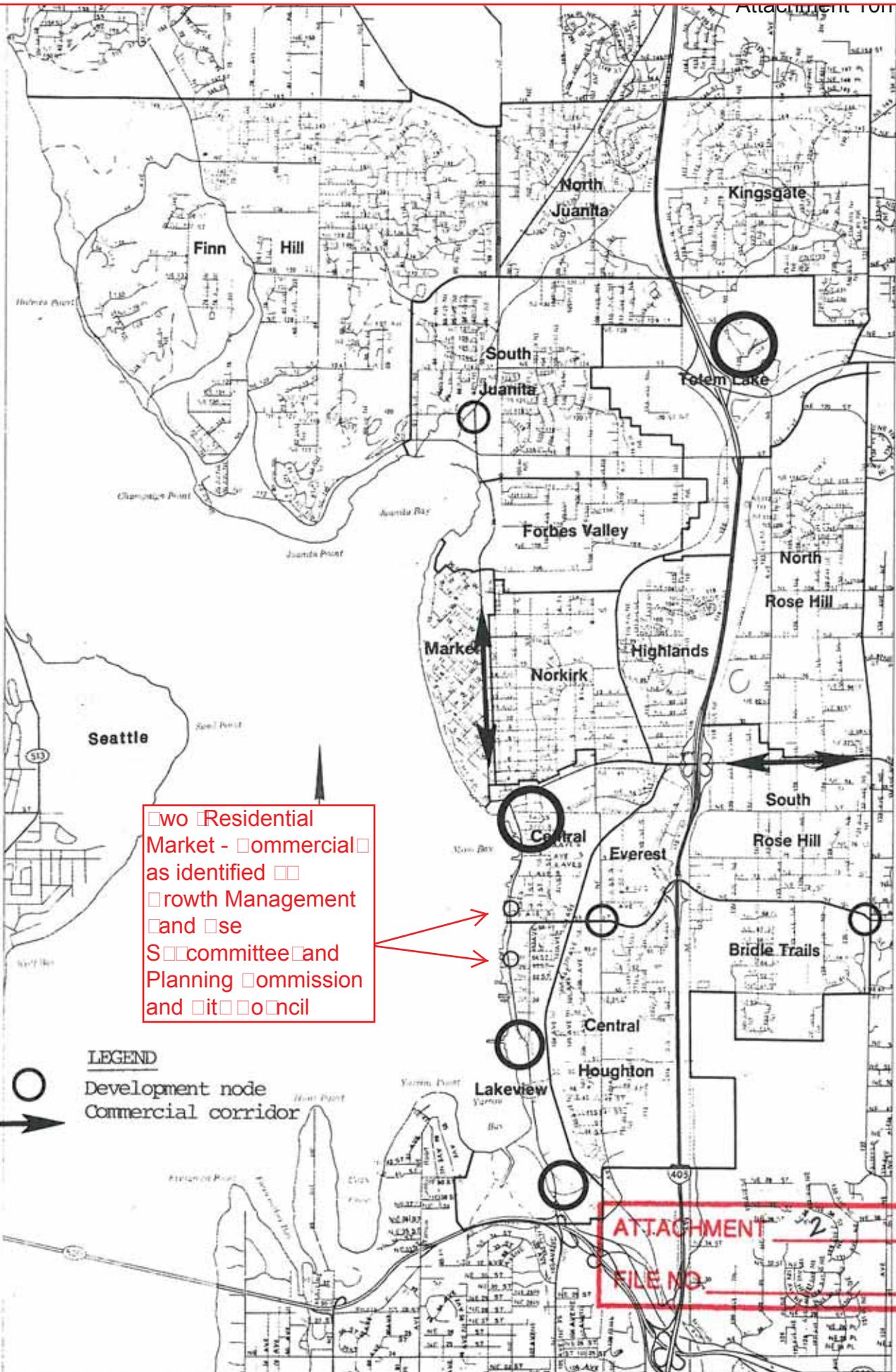
Issue 2. Where are the development nodes in Kirkland and which of the recommended definitions would apply to those nodes?

Staff has identified several development nodes in Kirkland (see map, Attachment 2). Below, each is classified according to staff's recommended development node definition:

<u>Location</u>	<u>Classification</u>
Totem Lake	Activity Area
Downtown	Activity Area
SR520/Lake Washington Blvd.	Commercial Cluster
Carillon Point	Commercial Cluster
Juanita business district	Neighborhood Center
Houghton Shopping Center	Neighborhood Center
Bridle Trails Shopping Center	Neighborhood Center
<u>Lake Washington Blvd./NE 64th</u>	<u>Residential Market</u>
<u>Lake Washington Blvd./10th Ave. S.</u>	<u>Residential Market</u>

The two activity areas are identified in existing City Council and Comprehensive Plan policies. These areas have a regional orientation, are located at the crossroads of major transportation routes, and draw business from well outside the City limits of Kirkland. Along with commercial retail and office uses, large scale industrial uses are also located in the vicinity of these activity areas.

The two commercial clusters are also identified in the existing Comprehensive Plan. Carillon Point and the SR520/Lake Washington Blvd. interchange share a number of commercial cluster characteristics: both serve more than just a local market; they have limited commercial uses (restaurants, hotel, small-scale retail), but are dominated by office uses; and they are surrounded by higher-density residential development. As commercial clusters, they are not as large or diversified as the downtown and Totem Lake activity areas. However, they are larger and more regionally-oriented than are the neighborhood centers.



Two Residential
Market - Commercial
as identified
Growth Management
and use
S Committee and
Planning Commission
and it Council

- o all lands within the urban growth area be characterized by urban development;
- o urban centers and activity areas be identified;
- o planned employment capacity and targeted increases in employment be indicated; and
- o existing land area zoned for business/office parks not be expanded and existing business/office parks be converted to mixed use areas.

Stop by the open house station on Totem Lake as an Urban Center to hear more about that topic.

The land uses designated on the Land Use Map must provide room for the projected housing and employment growth in Kirkland over the next 20 years. These projections are to come from King County, however they are not yet available. In the interim, we are assuming that Kirkland's 2010 residential population will be 53,082 persons (1992 population was 41,390 persons) and employment will be 29,777 jobs (1990 employment was 18,578 jobs). Most of the employment is expected in the finance/insurance/real estate/services sector, followed by the retail sector.

KEY ISSUES

RESIDENTIAL MARKETS

Should the city allow residential markets in neighborhoods?

Kirkland's existing Comprehensive Plan includes the concept of "development nodes"--areas of commercial/industrial activity. Nodes can range greatly in scale, from the large commercial/industrial area at Totem Lake to the small neighborhood commercial center at the intersection of Lake Washington Boulevard and 10th Avenue South.

The Land Use Subcommittee has defined five types of development nodes--urban centers (Totem Lake), activity areas (downtown Kirkland), commercial clusters (Carillon Point, SR520/Lake Washington Blvd.), neighborhood centers (Juanita business district, Houghton and Bridle Trails shopping centers), and residential markets (Lake Washington Blvd. at 10th Ave. S. and at NE 64th St.).

Residential markets are individual stores or very small mixed use buildings/centers focused on local pedestrian and vehicular traffic. Residential scale and design are critical to integrate these uses into the residential area. Uses may include corner grocery stores, small service businesses (social service outlets, daycares), laundromats, and small coffee shops or community gathering places.

Residential markets are designed to be inserted into neighborhoods to provide local services to residential areas. This would be a new concept in the Comprehensive Plan, and would allow limited commercial/office uses close to residences.

Residential Market -
Commercial becomes a new concept in the Comprehensive Plan and is assigned to two parcels of commercial - both on Lake Washington Blvd and Lake St

Erin McMahan

From wkk@aol.com
Sent Thursday, January 14, 2010 11:05 AM
To wkk@aol.com; rtriplett@RoanokeInkenkinson.com; Eric.Shields@erinemcmahan.com; anet@sonnet.com
cc neighborproperties@gmail.com
Subject of Planning Commission Historical Legal Re-Res Mkt implementing zoning
Attachments IS PD

Here is the word of attachments I hope you are finding them click to review

Please call me with any questions we had a whole team reviewing documents for nearly 6 months so most answers are at our fingertips

Thanks
Aren Benson
(804) 744-1111

ADOPTION OF COMPREHENSIVE PLAN AND SUBSEQUENT AMENDMENTS

Following an approximately three-year review process, the City of Kirkland (“City”) adopted Ordinance 3481 on July 11, 1995. The **1995 Ordinance 3481** adopted the first GMA compliant Comprehensive Plan for the City. The **2004 Ordinance 3974** adopted the first GMA required Comprehensive Plan update.

Ordinances are legislative acts or local laws. They are the most permanent and binding form of Council action.

The Residential Market – Commercial land use designation the was adopted through the 1995 Comprehensive Plan. The Land Use map in the 1995 Comprehensive Plan designated many areas throughout the City for commercial land uses. IR 31, Land Use Map, Figure LU-1, Page VI-5 (Ex. 31 - A). The Comprehensive Plan also mapped specific commercial development areas in the City and included descriptions of each of the five commercial land uses: Activity Areas, Commercial Districts, Commercial Corridors, Neighborhood Centers, and Residential Markets. IR 31, Commercial Development Areas Map, Figure LU-2, Page VI-13; Policy LU-4.4, Pages VI-11 – VI-12 (Ex. 31 - B). There are two Residential Market commercial areas mapped along Lake Washington Blvd/Lake St S. **Ordinance 3481** was adopted by legislative action and published in the Journal American on **July 16, 1995**, thereby establishing a 60-day timeframe for appeal. **There was no appeal.**

Following the approximately two and one-half year review process, the Kirkland City Council adopted the **2004 Comprehensive Plan** update with the passage of **Ordinance 3974** on December 14, 2004. The Residential Market land use designation had minor wording changes only and maintained the two Residential Market commercial areas mapped along Lake Washington Blvd/Lake St S. **Ordinance 3974** was then adopted by legislative action and published, in the King County Journal on **December 19, 2004**, again establishing a 60-day timeframe for appeal. Again there was no appeal.

Once the public participation process is complete and the City Council adopts a Comprehensive plan, it the responsibility of the City to put in place the mechanisms that will promote the actions needed for implementation.

III. GENERAL

A. PLAN APPLICABILITY AND CONSISTENCY

The Comprehensive Plan serves as the guiding policy document to attain the City's vision of the future over the next 20 years or longer. This means that decisions and actions in the present are based on the adopted plan. One of the central tenets of the Growth Management Act is to require consistency in planning.

Consistency is determined in a number of ways. The following represent those areas where "consistency" must be achieved:

- ◆ The Comprehensive Plan must comply with the Growth Management Act.
- ◆ The Plan is to be consistent with the regional plan – the Multicounty Planning Policies adopted by the Puget Sound Regional Council.
- ◆ It must be consistent with the adopted Countywide Planning Policies as well as the plans of adjacent jurisdictions.
- ◆ State agencies and local governments must comply with the Comprehensive Plan.
- ◆ The various elements of the Comprehensive Plan must be internally consistent.

The City's legislative and administrative actions and decisions must be in compliance with the adopted plan. To accomplish this a number of things need to occur. The Implementation Measures noted in Chapter XIV list those steps. The City will need to revise some of its zoning and development regulations to be consistent with and implement the plan. The Zoning Map needs to be updated to reflect the land use changes identified on the Land Use Map and correct previous inconsistencies.

The City has used the Comprehensive Plan as the policy basis for decisions – particularly for determinations under the State Environmental Policy Act (SEPA). With this revised Comprehensive Plan adopted under the Growth Management Act, the City should strive to integrate SEPA into the zoning permit review process rather than having a separate environmental review process. The development regulations should provide clear and predictable guidance for issuing development permits and making SEPA determinations. However, where the regulations are not clear and/or discretion is to be exercised in making those development decisions, the Comprehensive Plan is to be used as the policy basis for those decisions.

The Comprehensive Plan will also be used to guide the City in developing its Capital Improvement Program and in the preparation or update of the various functional plans and programs.

The Neighborhood Plans will also require updating to comply with the Comprehensive Plan Elements. A number of Neighborhood Plans have recently been revised (for example, South Juanita or the downtown area) – and these may need minimum amendments. Others, such as Totem Lake, will need more substantive changes. It is the intent of the City to phase these updates over time. In the interim, if there are conflicts or inconsistencies between the Comprehensive Plan Elements and a Neighborhood Plan, the Plan Element goals and policies will apply.

The Comprehensive Plan is intended to apply, where appropriate, to the Kirkland Planning Area which is also designated as the Interim Annexation Area (see Figure I-2). The City has worked with King County on their Northshore Plan for this area and is in general agreement with that plan. However, updates to Kirkland's and King County's Comprehensive Plans, as well as the Neighborhood Plans for the Planning Area, will probably result in the need to amend the Northshore Plan. As part of its neighborhood planning process, the City will need to update the plans for Kingsgate, North Juanita, and Finn Hill.

VI. LAND USE

attempts to promote commercial land use patterns that support alternative transportation modes.

Currently, a hierarchy of "commercial development areas" exists in the City, based primarily on size and relationship to the regional market and transportation system (see Figure LU-2).

Some of Kirkland's commercial areas serve primarily the surrounding neighborhood, others have a subregional or regional draw. Most of the larger commercial areas, Activity Areas and Commercial Districts, are centered around major intersections. They depend on principal arterials, the freeway, or the railroad for goods transport and for bringing in workers or customers. Smaller commercial areas, Neighborhood Centers, for example, have a more localized draw. Residents depend on their neighborhood grocery store, dry cleaners, bank, etc., for everyday needs.

The Land Use Element provides general direction for development standards in commercial areas and describes the future of specific commercial areas in Kirkland. The following terms are used in the discussion of commercial land uses:

Activity Areas

Activity Areas are locations that contain a high concentration of commercial land uses and adjacent and intermingled higher-density residential uses served by a transit center. Activity Areas are distinguishable from neighborhood centers by their larger size and function as significant focal points for the local and regional community.

Commercial Districts

Commercial Districts are smaller activity areas which contain a greater percentage of office development than either major activity areas or neighborhood centers. Commercial Districts serve a subregional market, as well as the local community. Commercial Districts include such uses as offices, limited retail, multifamily housing, hotels, restaurants, and small-scale service businesses.

Commercial Corridors

A series of detached, auto-oriented commercial establishments usually located along a major street, each with its own parking facilities and primary access on the major street.

Neighborhood Centers

Neighborhood Centers are areas of commercial activity dispensing commodities primarily to the neighborhood. A supermarket may be a major tenant; other stores may include a drug store, variety, hardware, barber, beauty shop, laundry, dry cleaning, and other local retail enterprises. These centers provide facilities to serve the everyday needs of the neighborhood. Residential uses may be located on upper stories of commercial buildings in the center.

Lowest intensity Smallest commercial

Residential Markets

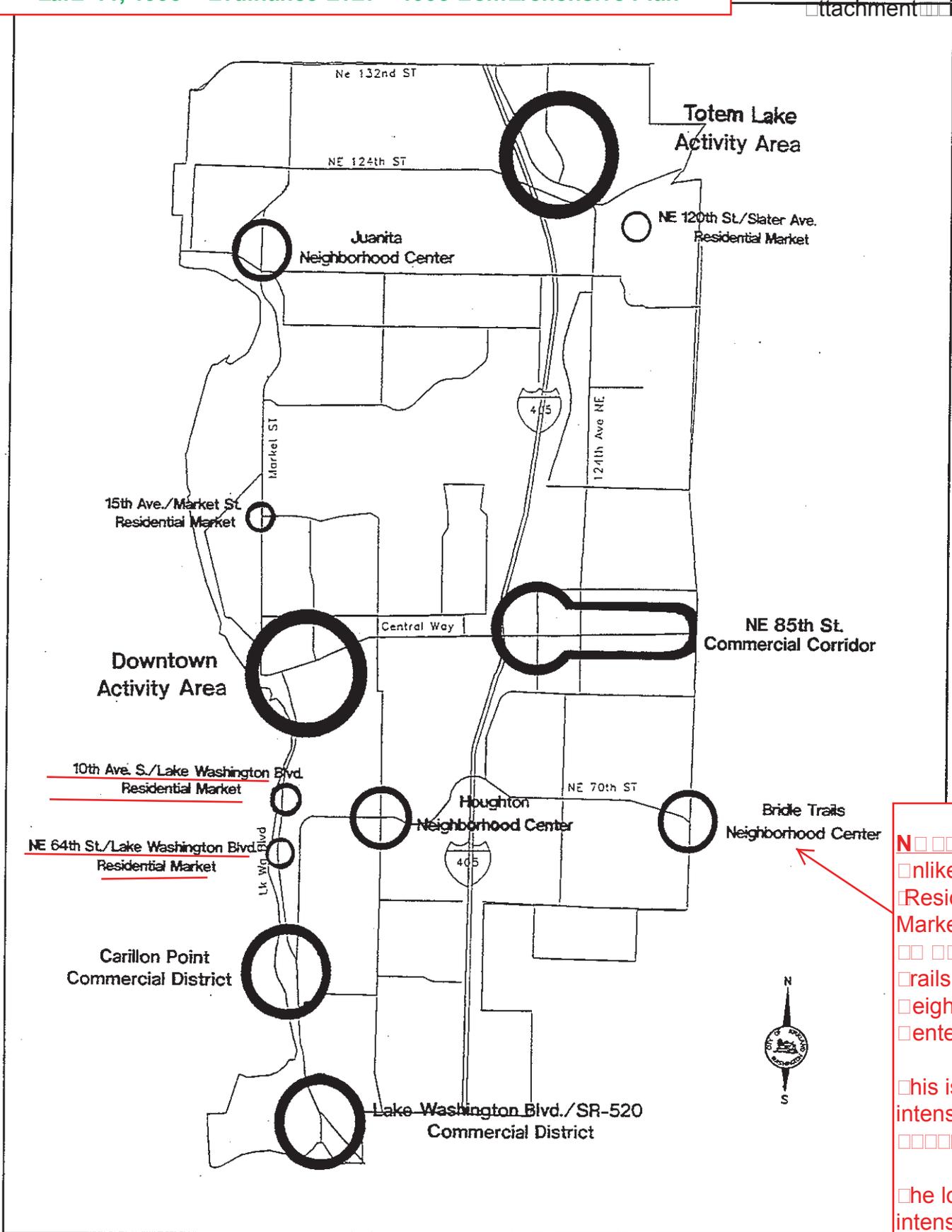
Residential Markets are individual stores or very small, mixed-use buildings/centers focused on local pedestrian traffic. Residential scale and design are critical to integrate these uses into the residential area. Uses may include corner grocery stores, small service businesses (social service outlets, daycares), laundromats, and small coffee shops or community gathering places.

Goal LU-5. Plan for a hierarchy of commercial development areas serving neighborhood, community, and/or regional needs.

Policy LU-5.1. Reflect the following principles in development standards and land use plans for commercial areas:

Urban Design

- ◆ Create lively and attractive districts with a human scale.



Unlike the Residential Markets on the map, the Bridge Trails area is in a neighborhood center.
 This is a higher intensity use.
 The lower intensity use was delineated for the parcels.

Figure LU-2: Commercial Development Areas

XV.D. CENTRAL NEIGHBORHOOD 4. PERIMETER AREAS

As discussed in the Shoreline Master Program, residential uses should continue to be permitted along the shoreline at medium densities (12 dwelling units per acre). This is consistent with the density of development along the shoreline to the south and on many properties on the east side of Lake Street South.

Development along the shoreline is discussed.

As specified in the Shoreline Master Program, new residential structures constructed waterward of the high water line are not permitted. Additional standards governing new multifamily development can be found in the Shoreline Master Program.

B. ECONOMIC ACTIVITIES

Economic Activities in the Central Neighborhood occur primarily in the Downtown area, and in Planned Areas 5 and 6. The boundaries of these three major activity areas are shown in Figure C-2.

Economic Activities in Planned Area 5 are discussed.

While Planned Area 5 has been developed largely in multifamily uses, several offices – including the United States Post Office – serving the Greater Kirkland area, are located in this planned area. Land use in Planned Area 5 is discussed in greater detail in the Living Environment section of this chapter.

Limited economic activities presently exist in State Street area.

Although the character of Planned Area 6 is predominantly residential, several economic activities are presently located in the area. Small offices and some commercial uses exist along Lake Street South and along State Street, and industrial

development has occurred near the railroad. The Living Environment Section of this chapter contains a more in-depth discussion of land use in Planned Area 6.

Land on east side of Lake Street South is generally not suitable for commercial development.

Most of the land on the east side of Lake Street South appears to be unsuitable for commercial use because of steep slope conditions, as well as problems concerning vehicular ingress and egress. The southeast quadrant of the 10th Street South and Lake Street intersection, however, is developed with a market which serves as a convenience to the surrounding residences. Limited commercial use of this location, therefore, should be allowed to remain.

Industrial activities east of the railroad tracks described.

The strip of land located east of the railroad tracks, south of Central Way and west of Kirkland Way, contains an existing light industrial use. While the area's proximity to I-405 and NE 85th Street makes it attractive for commercial development, the area is also near residential uses, and should be subject to greater restrictions than other industrial areas. Buildings should be well screened by a landscaped buffer, and loading and outdoor storage areas should be located away from residential areas. In addition, the number and size of signs should be strictly limited, with only wall- and ground-mounted signs permitted. Pole signs, such as the one currently located in this gateway area, are inappropriate.

This is the subject property east of where vehicular ingress and egress is a problem. The authors go on to recognize that the small market that is there serves the local neighbors, therefore the will allow such commercial use to M.N.

XV.A. LAKEVIEW NEIGHBORHOOD

- (4) Use of wide vegetated setbacks adjacent to residential uses.
- (5) Vehicular access will not be placed across residentially zoned property.
- (6) Preclusion of any commercial uses other than offices.

Environment section for the residential area between Lake Washington Boulevard and Lakeview Drive north of NE 59th Street. These standards also apply to professional office development.) No convenience or retail commercial uses should be considered.

Commercial activities east of Lake Washington Boulevard should be limited.

Land uses south of NE 59th Street and between Lakeview Drive and Lake Washington Boulevard are discussed.

The area lying south of NE 59th Street between Lakeview Drive and Lake Washington Boulevard contains a mix of uses. Within the area existing uses include a small clothing manufacturing plant. The one-story clothing manufacturing plant creates minimal visual impacts on the neighborhood and provides, informally, some parking to handle the overflow from Houghton Beach Park. South from the industrial area on lands zoned for neighborhood business and professional office/residential exists a mixture of land uses including single-family, duplex, multifamily, and office use.

A convenience commercial grocery store located on Lake Washington Boulevard and NE 64th Street serves a localized need by providing limited grocery service to the surrounding neighborhood. The use should be allowed to remain at this site and improvements should be encouraged to enhance its compatibility with surrounding residential uses and the scenic character of Lake Washington Boulevard. No further development of retail commercial facilities in this area should be permitted.

This is the other
 Residential Market -
 Commercial Property in
 Kirkland
 It is currently the Super market

The area south of NE 59th Street, between Lakeview Drive and Lake Washington Boulevard is suitable for medium-density residential uses and small professional offices.

In order to blend future activities with existing uses, medium-density residential uses with small professional offices are most appropriate south of NE 59th Street. The character of this neighborhood has changed significantly since the days when the nearby waterfront included shipbuilding activities and oil storage facilities. Many activities permitted in light industrial areas are no longer compatible with the residential activities and the new Houghton Beach Park. The existing manufacturing plant could continue. Medium-density residential uses, at a density of 12 dwelling units per acre, and small professional offices should be considered the base uses. (Standards for the medium-density residential uses are described above in the Living

A small antique store, a furniture store/office, and a fast food restaurant exist along the east side of Lake Washington Boulevard between NE 59th and 60th Streets. The restaurant is relatively new and meets most or all of the current zoning standards for such uses. The antique and furniture stores, on the other hand, clearly do not meet zoning standards for building setbacks and parking, and other zoning nonconformances are likely. Even so, both buildings are of a scale and design which are compatible with neighboring residential uses. The furniture store building was constructed in the early 1900s and has historic significance as an early site of the Houghton Post Office. This area is appropriate for single or multifamily residential, office, and limited commercial uses. Redevelopment for residential uses should comply with all applicable zoning standards. The continuation of existing office and commercial uses within the existing nonconforming structures should be allowed. New commercial uses and redevelopment of the existing structures also would be appropriate if they maintain or enhance compatibility with nearby residential development, are respectful of the historic character of the site, and maintain a strong pedestrian orientation. Some flexibility in applying normal zoning standards

XV.D. CENTRAL NEIGHBORHOOD 4. PERIMETER AREAS

A. LIVING ENVIRONMENT

The Central Neighborhood contains a wide variety of housing types, including many single-family residences and multifamily units. It is the intent of the Comprehensive Plan to provide a range of housing opportunities, and a continued broad range is planned for the Central Neighborhood (Figure C-1).

Considerations for low-density residential development are discussed.

The various residential densities designated for land in the Central Neighborhood, and particularly for the areas lying south of Kirkland Avenue, will be compatible if certain concerns are addressed. For example, a low-density designation is appropriate in any area developed predominantly in single-family homes, if the likelihood exists that these structures will be maintained for the lifetime of this Plan. Similarly, an area should remain committed to low-density uses if a higher-density development in the area could not be adequately buffered from single-family houses.

Considerations for medium- and high-density residential development are discussed.

A medium-density designation is appropriate for areas where sufficient land area is available to separate such development from adjacent single-family uses. In addition, medium-density residential development should not be allowed where it would significantly increase traffic volumes on streets where single-family housing is the predominant land use. Other considerations include the overall compatibility of medium-density development with adjacent single-family uses, with respect to height, setbacks, landscaping, and parking areas. If special precautions are taken to reduce adverse impacts on existing single-family homes, higher densities may be allowed. Within the Central Neighborhood, land surrounding the

Downtown is generally most appropriate for these higher-density developments.

Medium-density residential development permitted in block between Kirkland Avenue and Kirkland Way as well as south and west of Planned Area 6.

The block of land lying east of 6th Street, between Kirkland Way and Kirkland Avenue, is largely developed in a mix of single-family and multifamily uses. Medium-density residential development at a density of 12 dwelling units per acre is appropriate for this area, to serve as a transition between high-density development to the north and low- to medium-density development to the south.

Several small offices have developed near the intersection of Kirkland Avenue and Kirkland Way, west of 6th Street. Multifamily residential development is also permitted in this area at a density of 18 dwelling units per acre. This area lies both north and south of land with the potential for high-density residential development.

A density of 12 dwelling units per acre is also designated for properties along State Street, south of Planned Area 6 (Figure C-2). This designation is consistent with densities of existing development as well as with densities permitted along State Street to the north and south. Lands on the west side of Lake Washington Boulevard, south of 7th Avenue South and west of the midblock between First and Second Streets South, are also appropriate for multifamily uses at a density of 12 dwelling units per acre. This designation is consistent with permitted densities to the north and south along Lake Washington Boulevard.

The area situated east of the midblock between First and Second Streets South, west of the midblock between State Street and Second Place South, and south of 7th Avenue South, contains a well-established enclave of single-family homes. Existing development in this area should be preserved.

This is a type-o and should be fixed at a later date. If you look at a map it doesn't make sense to be west of and west of East and Second Streets S

XIV. IMPLEMENTATION STRATEGIES

The vision statement, goals, and policies set forth in previous elements of the Comprehensive Plan together describe the desired type and character of growth in Kirkland during the next 20 years. They do not, however, tell us precisely how to create the kind of community envisioned by the Plan. Yet unless appropriate actions are taken, the plan will remain unrealized. Consequently, a strategy for how to implement the Plan is needed. It is the intent of this Element to provide such a strategy and identify the actions necessary to make the plan a success.

A. IMPLEMENTATION METHODS

There are a broad range of measures necessary to implement the Comprehensive Plan involving a wide variety of people and organizations. It is the responsibility of the City, however, to put in place the mechanisms that will promote the actions needed for implementation. Listed below are the methods that will be used to implement the Plan over the 20-year planning horizon.

Annual Plan Amendments. To keep the Comprehensive Plan current, it will be necessary to review and update it on a regular basis. At the very least, it will be necessary to annually consider amendments to the six-year projects list in the Capital Facilities Element. Other issues are likely to arise each year which can also be considered in the annual update.

New or Revised Plan Elements. At the time the Comprehensive Plan was prepared, several elements were left uncompleted. Those elements, Community Character, Natural Environment, Economic Development, and Parks and Recreation, are not specifically required by the Growth Management Act; and due to time limitations, were left with relatively few changes from the previous Comprehensive Plan. Even so, completion of those elements is desired to round out the Plan and assure its currency.

Neighborhood Plans. An important part of the Comprehensive Plan are the plans for Kirkland's thirteen neighborhoods. Those plans have been prepared and updated over a period of years to address in detail issues relevant to each specific neighborhood. Regular update of the neighborhood plans should continue, both to maintain their currency and to bring them into compliance with the more recently adopted Plan elements.

Functional Plans. Although not technically a part of the Comprehensive Plan, functional plans address in detail subjects more generally discussed in the Comprehensive Plan. Existing functional plans include:

- ◆ Sewer Comprehensive Plan
- ◆ Water Comprehensive Plan
- ◆ Stormwater Master Plan
- ◆ Parks and Recreation Plan
- ◆ Fire Master Plan
- ◆ Nonmotorized Transportation Plan

Functional plans are both guided by and help to guide the Comprehensive Plan. Theoretically, the Comprehensive Plan sets the broad policy framework which functional plans address in more detail. In practice, however, functional plans also raise issues and ideas which help to shape Comprehensive Plan goals and policies. Either way, general consistency between the Comprehensive Plan and functional plans is important, as is regular updating of functional plans to maintain their currency.

Special Studies. Several elements of the Comprehensive Plan indicate that for some issues additional studies are needed. The purpose of the studies is to provide additional information which will allow further refinement of the Plan and potentially provide the basis for developing

XIV. IMPLEMENTATION STRATEGIES

TASK	PRIORITY
NATURAL ENVIRONMENT ELEMENT	
<u>Projects</u>	
NE.1. Revise the Natural Environment Element.	*
NE.2. Amend Zoning Code environmentally sensitive areas regulations.	**
LAND USE ELEMENT	
<u>Projects</u>	
LU.1. Rezone land as necessary for consistency with the Comprehensive Plan land use map.	**
LU.2. Amend Zoning Code business district development standards to: <ul style="list-style-type: none"> ◆ Tailor regulations to the provisions of the Comprehensive Plan for each business district; ◆ Promote non-SOV transportation modes; ◆ Consider design guidelines. 	**
LU.3. Prepare detailed plans for the following business districts: <ul style="list-style-type: none"> ◆ NE 85th Street; ◆ Totem Lake. 	
LU.4. Refine open space network maps, identify missing links, and develop preservation techniques.	
LU.5. Amend the Zoning Code as appropriate to establish standards for residential markets.	*
LU.6. Review institutional uses and revise land use map as appropriate to reflect those uses.	
LU.7. Review development regulations and administrative procedures and revise as appropriate to streamline development review procedures.	*
LU.8. Develop a system for monitoring development capacity.	**
LU.9. Work with other jurisdictions to develop mutually acceptable criteria for siting regional facilities.	
<u>Ongoing</u>	
LU.10. Monitor and update information concerning: <ul style="list-style-type: none"> ◆ Development capacity; ◆ Development trends; ◆ Demographics. 	

High Priority



Eric McMahan

From wkkg@aol.com
Sent hrsda an ar M
To wkkg@aol.com; rt; triplett; Ro; in; enkinson; Eric Shields; eric; McMahan; a; arnold; anet; onson
Cc neigh; oringproperties; gmail.com
Subject of; Planning; ommission; historical; legal; re; Res; Mkt; implementing; oning
Attachments IS; PD

Here is the path of attachments I hope you are finding them click to review

Please call me with any questions we had a whole team reviewing documents for nearly 6 months so most answers are at our fingertips

Thanks
Aren Benson
- - - - -

XIV. IMPLEMENTATION STRATEGIES

TASK	PRIORITY
NATURAL ENVIRONMENT ELEMENT	
<u>Projects</u>	
NE.1. Revise the Natural Environment Element.	*
NE.2. Amend Zoning Code environmentally sensitive areas regulations.	**
LAND USE ELEMENT	
<u>Projects</u>	
LU.1. <i>Complete the rezoning</i> Rezoning land as necessary for consistency with the Comprehensive Plan land use map.	**
LU.2. Amend Zoning Code business district development standards to: <ul style="list-style-type: none"> ◆ Tailor regulations to the provisions of the Comprehensive Plan for each business district; ◆ Promote non-SOV transportation modes; ◆ Consider design guidelines. 	**
LU.3. Prepare detailed plans for the following business districts: <ul style="list-style-type: none"> ◆ NE 85th Street; ◆ Totem Lake. 	* *
LU.4. <i>Prepare a master plan for Downtown Kirkland public property.</i> Refine open space network maps, identify missing links, and develop preservation techniques.	* *
LU.5. <i>Refine open space network maps, identify missing links, and develop preservation techniques.</i>	
LU.6. Amend the Zoning Code as appropriate to establish standards for residential markets.	*
LU.7. Review institutional uses and revise land use map as appropriate to reflect those uses.	
LU.8. Review development regulations and administrative procedures and revise as appropriate to streamline development review procedures.	*
LU.9. Develop a system for monitoring development capacity.	**
LU.10. Work with other jurisdictions to develop mutually acceptable criteria for siting regional facilities.	
<u>Ongoing</u>	
LU.11. Monitor and update information concerning: <ul style="list-style-type: none"> ◆ Development capacity; ◆ Development trends; ◆ Demographics. 	

Some rezoning was done since the 1995 Comprehensive Plan's Implementation Strategies List. In 12.1.9 wording now indicates that rezoning needs to be completed.

This item was added 12.1.9

Items of 12.1.9 have been no implementing activities for these Markets



0-3606

XV.D. CENTRAL NEIGHBORHOOD

4. PERIMETER AREAS

As discussed in the Shoreline Master Program, residential uses should continue to be permitted along the shoreline at medium densities (12 dwelling units per acre). This is consistent with the density of development along the shoreline to the south and on many properties on the east side of Lake Street South.

Development along the shoreline is discussed.

As specified in the Shoreline Master Program, new residential structures constructed waterward of the high water line are not permitted. Additional standards governing new multifamily development can be found in the Shoreline Master Program.

B. ECONOMIC ACTIVITIES

Economic Activities in the Central Neighborhood occur primarily in the Downtown area, and in Planned Areas 5 and 6. The boundaries of these three major activity areas are shown in Figure C-2.

Economic Activities in Planned Area 5 are discussed.

While Planned Area 5 has been developed largely in multifamily uses, several offices - including the United States Post Office - serving the Greater Kirkland area, are located in this planned area. Land use in Planned Area 5 is discussed in greater detail in the Living Environment section of this chapter.

Limited economic activities presently exist in State Street area.

Although the character of Planned Area 6 is predominantly residential, several economic activities are presently located in the area. Small offices and some commercial uses exist along Lake Street South and along State Street, and industrial

development has occurred near the railroad. The Living Environment Section of this chapter contains a more in-depth discussion of land use in Planned Area 6.

Land on east side of Lake Street South is generally not suitable for commercial development.

Most of the land on the east side of Lake Street South appears to be unsuitable for commercial use because of steep slope conditions, as well as problems concerning vehicular ingress and egress. The southeast quadrant of the 10th Street South and Lake Street intersection, however, is developed with a market which serves as a convenience to the surrounding residences. Limited commercial use of this location, therefore, should be allowed to remain.

Industrial activities east of the railroad tracks described.

The strip of land located east of the railroad tracks, south of Central Way and west of Kirkland Way, contains an existing light industrial use. While the area's proximity to I-405 and NE 85th Street makes it attractive for commercial development, the area is also near residential uses, and should be subject to greater restrictions than other industrial areas. Buildings should be well screened by a landscaped buffer, and loading and outdoor storage areas should be located away from residential areas. In addition, the number and size of signs should be strictly limited, with only wall- and ground-mounted signs permitted. Pole signs, such as the one currently located in this gateway area, are inappropriate. (insert)

Finally, it is noted in the Everest Neighborhood Plan that there is a major territorial view at the intersection of NE 85th Street and Kirkland Way. This view of Lake Washington, Seattle, the Olympic Mountains and Downtown Kirkland falls over property in this area.

Notes: This still talks about the specific location. It discusses problems of vehicle ingress and it mentions the location which should be allowed to remain.

XIV. IMPLEMENTATION STRATEGIES

TASK	PRIORITY
<u>Ongoing</u>	
NE.8. Continue to monitor information concerning innovative techniques for resource management, including: <ul style="list-style-type: none"> ◆ adaptive management of Sensitive Areas, ◆ mitigation banking, ◆ transfer of development rights, ◆ funding sensitive areas acquisition, restoration, and education through innovative techniques, ◆ other non-regulatory protection measures. Identify for further study those techniques that have potential for successful implementation in Kirkland.	**
NE.9. Continue to approach natural resource management comprehensively through interdepartmental coordination.	*
LAND USE ELEMENT	
<u>Projects</u>	
LU.1. Complete the rezoning necessary for consistency with the Comprehensive Plan land use map.	**
LU.2. Amend Zoning Code business district development standards to: <ul style="list-style-type: none"> ◆ Tailor regulations to the provision of business district; ◆ Consider design guidelines. 	
LU.3. Prepare detailed plans for the following business districts: <ul style="list-style-type: none"> ◆ NE 85th Street; ◆ Totem Lake. 	**
LU.4. Prepare a master plan for Downtown Kirkland public property.	**
LU.5. Refine open space network maps, identify missing links, and develop preservation techniques.	
LU.6. Amend the Zoning Code as appropriate to establish standards for residential markets.	*
LU.7. Review institutional uses and revise land use map as appropriate to reflect those uses.	
LU.8. Review institutional uses and revise land use map as appropriate to reflect those uses.	
LU.9. Review institutional uses and revise land use map as appropriate to reflect those uses.	
LU.10. Review institutional uses and revise land use map as appropriate to reflect those uses.	
<u>Ongoing</u>	
LU.11. Monitor and update information concerning: <ul style="list-style-type: none"> ◆ Development capacity; ◆ Development trends; ◆ Demographics. 	

LU.1. is considered complete and has been removed from the implementation schedule

LU.8. is complete and the implementation schedule has been deleted. The reason for the implementation schedule deletion is that the development regulations are not expected to be accomplished

High Priority

While other changes are given higher priority, there are still no activities taken to implement Residential Markets

Implement the Downtown Strategic Plan

Exhibit G

This matter is a matter of Downtown public order and has been established, it has been cleaned up and the necessary conditions for implementation are in place.

Jeremy C. Mahan

from	kk@aol.com
sent	Thursday, January 01, 2010 10:00 AM
	kk@aol.com Riplett, Robin Kenkinson, Eric Shields, Jeremy Mahan, Jay Arnold, Janet Conson
cc	neighboringproperties@gmail.com
subject	Planning Commission Historical Legal re Res Mkt implementing zoning
attachments	HP

Here is the set of attachments I hope you are finding them quick to review

Please call me with any questions. We've had a whole team reviewing documents for nearly 6 months, so most answers are at our fingertips.

Thanks,
Aren Evenson
1/1/10

~~Similarly, a Neighborhood Plan Map could show a residential density outside the range of acceptable density described by the Comprehensive Plan Land Use Map. For example, the neighborhood map could identify six dwelling units to the acre for an area where the Comprehensive Plan Land Use Map shows medium density residential.~~

~~In these cases, the Comprehensive Plan Land Use Map prevails over the Neighborhood Plan Map.~~

~~If a Neighborhood Plan Map does show the same category of use, and a density within the range of that described on the Comprehensive Plan Land Use Map, then the specific use and residential density on the Neighborhood Plan Map will prevail.~~

The land use categories mapped on the Comprehensive Plan Land Use Map are:

~~*Low-Density Residential* - detached or attached single family residential uses from one to nine ~~seven~~ dwelling units per acre for detached residential structures and one to seven dwelling units per acre for attached residential structures. Detached single-family dwelling units are physically separated by setbacks from other dwelling units. Attached single-family dwelling units, only allowed in specified areas, are physically connected by means of one or more common walls; each unit has its own exterior entrance; dwelling units are not stacked above or below one another; and density and height limitations associated with single-family zoning classifications are met.~~

~~*Medium-Density Residential* - detached residential uses at 10 to 14 dwelling units per acre and, attached, or stacked residential uses at 8 to 14 dwelling units per acre.~~

~~*High Density Residential* - detached, attached, or stacked residential uses at 15 or more dwelling units per acre.~~

~~*Office* - uses providing services other than production, distribution, or sale or repair of goods or commodities. Depending on the location, these uses may range from single-story, residential-scale buildings to multistory buildings and/or multibuilding complexes.~~

~~*Office/Multifamily* - areas where both office and medium- or high-density residential uses are allowed. Uses may be allowed individually or within the same building.~~

~~*Commercial* - may include retail, office, and/or multifamily uses, depending on the location. Retail uses are those which provide goods and/or services directly to the consumer, including service uses not usually allowed within an office use. Commercial areas can range in size and function from small residential markets serving the immediate neighborhood to regional draws such as in the activity areas at Totem Lake and Downtown.~~

~~*Industrial* - uses predominantly connected with manufacturing, assembly, processing, wholesaling,~~

Urban Center

An Urban Center is a regionally significant concentration of employment and housing, with direct service by high-capacity transit and a wide range of land uses, such as retail, recreational, public facilities, parks and open space. An Urban Center has a mix of uses and densities to efficiently support transit as part of the regional high-capacity transit system.

Activity Areas

An Activity Areas is an area of moderate commercial and residential concentration that functions as a focal point for the community are locations that contain a high concentration of commercial land uses and adjacent and intermingled higher density residential uses and is served by a transit center. Activity Areas are distinguishable from neighborhood centers by their larger size and function as significant focal points for the local and regional community.

BusinessCommercial-Districts

Commercial Districts are smaller activity areas which contain a greater percentage of office development than either major activity areas or neighborhood centers. A BusinessCommercial Districts is an area that serves the subregional market, as well as the local community. Commercial Districts include such uses as offices, limited retail, multifamily housing, hotels, restaurants, and small-scale service businesses. These districts vary in uses and intensities and may include office, retail, restaurants, housing, hotels and service businesses.

Commercial Corridors

A series of detached, auto-oriented commercial establishments usually located along a major street, each with its own parking facilities and primary access on the major street.

Neighborhood Centers

A Neighborhood Centers is an are areas of commercial activity dispensing commodities primarily to the neighborhood. A supermarket may be a major tenant; other stores may include a drug store, variety, hardware, barber, beauty shop, laundry, dry cleaning, and other local retail enterprises. These centers provide facilities to serve the everyday needs of the neighborhood. Residential uses may be located on upper stories of commercial buildings in the center.

Residential Markets

A Residential Markets is an are individual stores or very small, mixed-use buildings/centers focused on local pedestrian traffic. Residential scale and design are critical to integrate these uses into the residential area. Uses may include corner grocery stores, small service businesses (social service outlets, daycares), laundromats, and small coffee shops or community gathering places.

0000
The definitions of the too properties identified as Residential Market continue to receive review and Comprehensive Plan updating is updated in 00

Neighborhood centers provide services to surrounding residential neighborhoods so that residents may shop close to home. They also may function as the focal point for a community. Because of these important ties to their neighborhood, neighborhood centers should develop in ways that provide goods and services needed by the local residents, enhance physical connections to the surrounding neighborhoods, foster good will and provide an opportunity for people to mingle and converse, and support use by local residents.

Policy LU-5.5. 5.9. Allow residential markets, subject to the following development and design standards:

- **Locate small-scale neighborhood retail and personal services where local economic demand and local citizen acceptance are demonstrated.**
- **Provide the minimum amount of off-street parking necessary to serve market customers.**
- **Ensure that building design is compatible with the neighborhood in size, scale, and character.**

The intent of this policy is to permit small individual stores or service businesses in residential areas on a case-by-case basis. These businesses should cater to nearby residents, be oriented to pedestrian traffic, and require very little customer parking. They should be designed and located in a manner that is compatible with adjacent residences and that will not encourage the spread of commercial uses into residential areas. They should be located where local economic demand and neighborhood acceptance can be demonstrated.

Employment

Along with the need to provide new housing units for future residents, the City will need to provide adequate floorspace for new nonresidential uses, some of which may employ Kirkland residents. If the opportunity for local employment is increased, the high proportion of residents who work outside the community may be reduced. This, in turn, would ease traffic congestion by shortening commute trips and making other modes of travel to work more feasible.

A range of employment types is desirable in the community, including primary jobs or jobs in industry or high technology. These jobs are well-paying and contribute directly to the strength of the local economy.

Goal LU-6. Provide opportunities for a variety of employment.

Policy LU-6.1. Provide opportunities for light industrial and high technology uses. Preserve areas zoned for high technology businesses, light manufacturing, and warehousing.

XIV. Implementation Strategies

The vision statement, goals, and policies set forth in previous elements of the Comprehensive Plan together describe the desired type and character of growth in Kirkland during the next 20 years. They do not, however, tell us precisely how to create the kind of community envisioned by the Plan. Yet unless appropriate actions are taken, the plan will remain unrealized. Consequently, a strategy for how to implement the Plan is needed. It is the intent of this Element to provide such a strategy and identify the actions necessary to make the plan a success.

A. Implementation Methods

There are a broad range of measures necessary to implement the Comprehensive Plan involving a wide variety of people and organizations. It is the responsibility of the City, however, to put in place the mechanisms that will promote the actions needed for implementation. Listed below are the methods that will be used to implement the Plan over the 20-year planning horizon.

Annual Plan Amendments. To keep the Comprehensive Plan current, it will be necessary to review and update it on a regular basis. At the very least, it will be necessary to annually consider amendments to the six-year projects list in the Capital Facilities Element. Other issues are likely to arise each year which can also be considered in the annual update.

~~**New or Revised Plan Elements.** At the time the Comprehensive Plan was prepared, several elements were left uncompleted. Those elements, Community Character, Natural Environment, Economic Development, and Parks and Recreation, are not specifically required by the Growth Management Act; and due to time limitations, were left with relatively few changes from the previous Comprehensive Plan. Even so, completion of those elements is desired to round out the Plan and assure its currency.~~

Neighborhood Plans. An important part of the Comprehensive Plan are the plans for Kirkland's thirteen neighborhoods. Those plans have been prepared and updated over a period of years to address in detail issues relevant to each specific neighborhood. Regular update of the neighborhood plans should continue, both to maintain their currency and to bring them into compliance with the more recently adopted Plan elements.

Functional and Management Plans. Although not technically a part of the Comprehensive Plan, functional and management plans address in detail subjects more generally discussed in the Comprehensive Plan. Existing functional plans include:

- Capital Improvement Program
- Sewer Comprehensive Plan
- Water Comprehensive Plan
- Surface Water Stormwater Master Plan

Jeremy C. Mahan

From	kk@aol.com
Sent	Thursday, January 01, 2010 10:00 AM
	kk@aol.com; Riplett, Robin; Kenkinson, Eric; Shields, Jeremy; McMahon, Jay; Arnold, Janet; Conson
Subject	neighboringproperties@gmail.com
Re: Bec	o Planning Commission Historical Legal re Res Mkt implementing zoning
Re: Macmen	HP

Here's the set of attachments I hope you are finding them quick to review

Please call me with any questions. We've had a whole team reviewing documents for nearly 6 months, so most answers are at our fingertips.

Thanks,
Evan Evenson
1 1 1 1 1 1 1 1 1 1

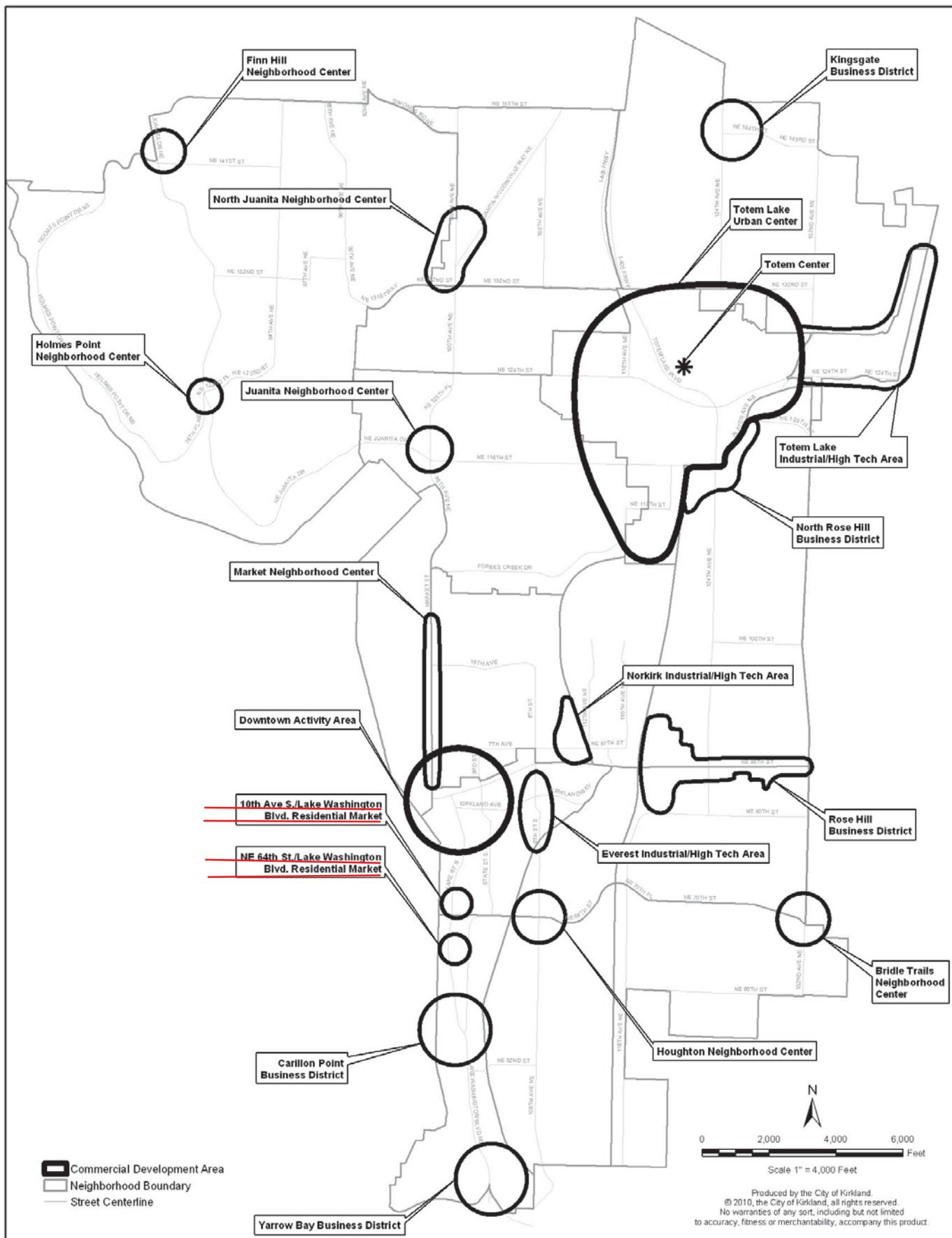


Figure LU-2: Commercial Areas

11b. 010 Ordinance 79 December 7, 010

XIV. Implementation Strategies

A. Implementation Methods

Neighborhood Plans. An important part of the Comprehensive Plan are the plans for Kirkland’s ~~13-15~~ neighborhoods. Those plans have been prepared and updated over a period of years to address in detail issues relevant to each specific neighborhood. Regular update of the neighborhood plans should continue, both to maintain their currency and to bring them into compliance with the more recently adopted Plan elements.

Functional and Management Plans. Although not technically a part of the Comprehensive Plan, functional and management plans address in detail subjects more generally discussed in the Comprehensive Plan. Existing functional plans include:

- ◆ Capital Improvement Program;
- ◆ Sewer Comprehensive Plan;
- ◆ Water Comprehensive Plan;
- ◆ Surface Water Master Plan;
- ◆ Park, Open Space and Recreation Plan;
- ◆ Fire Protection Master Plan;
- ◆ ~~Nonmotorized Transportation Plan~~ Active Transportation Plan;
- ◆ Natural Resource Management Plan;
- ◆ Downtown Strategic Plan;
- ◆ Housing Strategy Plan.

B. Implementation Tasks

**Table IS-1
Implementation Tasks**

TASK	PRIORITY
<p>GENERAL ELEMENT</p> <p style="padding-left: 40px;"><u>Project</u></p> <p style="padding-left: 80px;"><u>G.2 Update the General Element to include 2010 census data and 2011 annexation.</u></p>	
<p>NATURAL ENVIRONMENT ELEMENT</p> <p style="padding-left: 40px;"><u>Projects</u></p> <p style="padding-left: 80px;">NE.1. Update the City’s Shoreline Master Program.</p>	
<p>LAND USE ELEMENT</p> <p style="padding-left: 40px;"><u>Projects</u></p>	

11c. 010 Ordinance 79 December 7, 010

LU.7 Update the Land Use Element to include 2010 census data and 2011 annexation.

HOUSING ELEMENT

Projects

H.3 Update the Housing Element to include 2010 census data and 2011 annexation.

ECONOMIC DEVELOPMENT ELEMENT

Projects

ED.5 Update The Economic Development Element to include 2010 census data and 2011 annexation.

TRANSPORTATION ELEMENT

Ongoing

T.3. Regularly update the ~~Nonmotorized Transportation Plan~~Active Transportation Plan.

CAPITAL FACILITIES ELEMENT

Projects

CF.2. Update Level of Service standards to include the annexation area.

CF.3. Update transportation and park impact fee rate studies to include the annexation area

NEIGHBORHOOD PLANS

Projects

NP.1. Regularly review neighborhood plans and amend as appropriate. Explore efficiencies in the neighborhood planning process to ensure a predictable and sustainable update cycle.

NP.2. Develop neighborhood plans for the 2011 annexation neighborhoods.

NP.23.

Jeremy C. Arnold

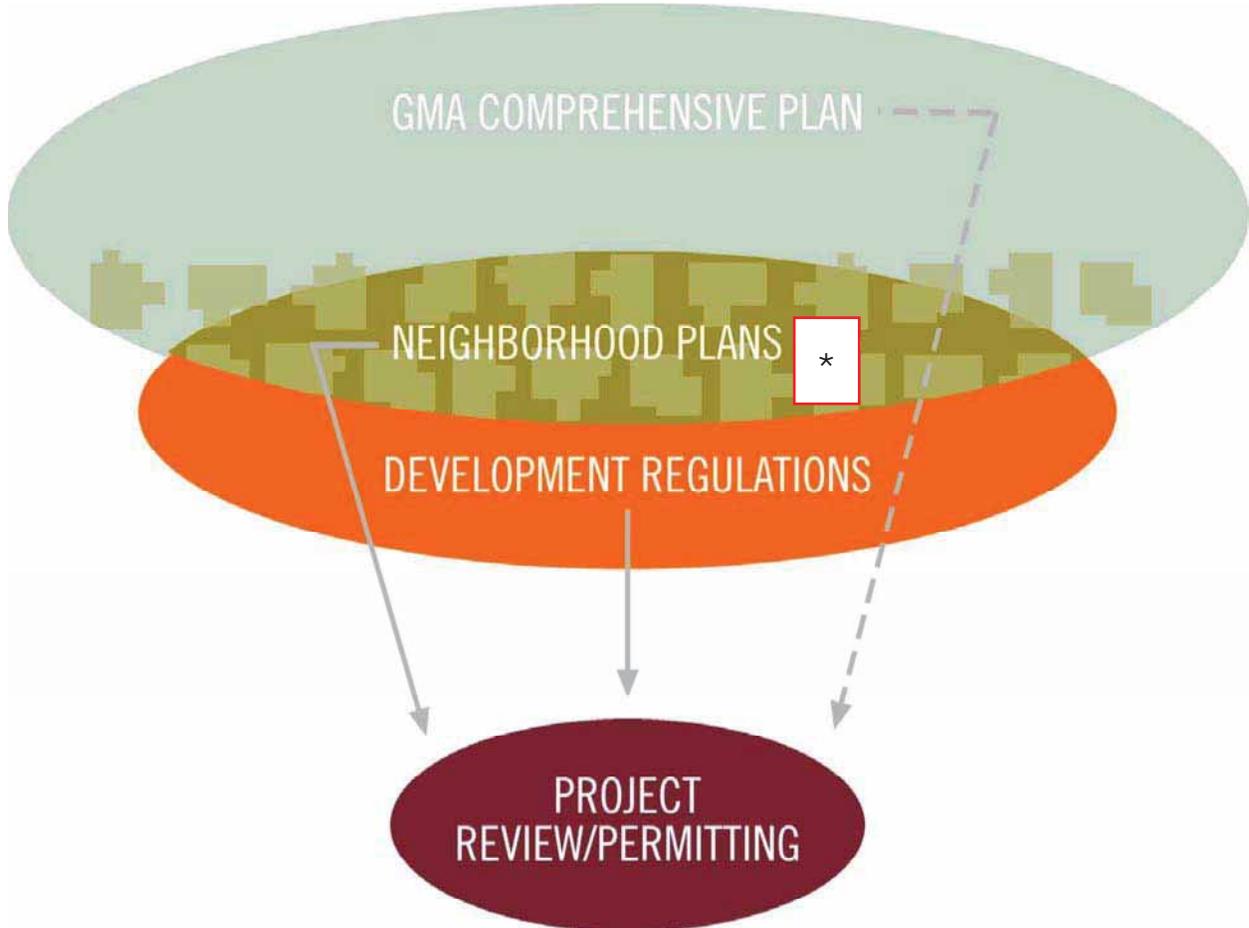
From	kk@aol.com
Sent	Thursday, January 01, 2010 10:00 AM
	kk@aol.com Riplett, Robin Kenkinson, Eric Shields, Jeremy McMahon, Jay Arnold Anet Conson
Subject	neighboringproperties@gmail.com
Re: o Planning Commission Historical legal re Res Mkt implementing	
Attachments	HP

Here's the set of attachments I hope you are finding them quick to review

Please call me with any questions. We've had a whole team reviewing documents for nearly 6 months, so most answers are at our fingertips.

Thanks,
Aren Evenson
1/1/10

EXISTING LAND USE PLANNING AND REGULATORY FRAMEWORK



The decision-making regime under MA is a cascading hierarchy of substantive and directive policy, in its form e annin a, e c m re en i e an nei b r d an, then to development regulations, capital budget decisions, and lastly to project review and permitting.

III. General

A. Plan Applicability and Consistency

The Comprehensive Plan serves as the guiding policy document to attain the City’s vision of the future over the next 20 years or longer. This means that decisions and actions in the present are based on the adopted plan. One of the central tenets of the Growth Management Act is to require consistency in planning.

Consistency is determined in a number of ways. The following represent those areas where “consistency” must be achieved:

- ◆ The Comprehensive Plan must comply with the Growth Management Act.
- ◆ The Plan must be consistent with the Shoreline Management Act (adopted under the authority of Chapter 90.58.RCW and Chapter 173-26 WAC).
- ◆ The Plan is to be consistent with the regional plan – the multicounty planning policies adopted by the Puget Sound Regional Council.
- ◆ It must be consistent with the adopted Countywide Planning Policies as well as coordinated with the plans of adjacent jurisdictions.
- ◆ State agencies and local governments must comply with the Comprehensive Plan.
- ◆ The various elements of the Comprehensive Plan must be internally consistent.

The City’s legislative and administrative actions and decisions must be in compliance with the adopted plan. To accomplish this a number of tasks need to be completed. The Implementation Measures noted in Chapter XIV list those steps. As the City updates the plan, some of its development regulations may need to be revised to be consistent with and to implement the plan. The Zoning Map needs to be updated to be consistent with and implement the Comprehensive Plan.

Deve~~l~~opment ~~e~~needs ~~a~~in need to be re~~v~~ied im~~ple~~ment~~e~~

The City has used the Comprehensive Plan as the policy basis for decisions, particularly for determinations under the State Environmental Policy Act (SEPA). With this revised Comprehensive Plan adopted under the Growth Management Act, the City has strived to integrate SEPA into the zoning permit review process rather than having a separate environmental review process. The development regulations should provide clear and predictable guidance for issuing development permits and making SEPA determinations. However, where the regulations are not clear and/or discretion is to be exercised in making those development decisions, the Comprehensive Plan is to be used as the policy basis for those decisions.

The Comprehensive Plan will also be used to guide the City in developing its Capital Improvement Program and in the preparation or update of the various functional plans and programs.

~~The neighborhood plans will also require updating to comply with the Comprehensive Plan Elements. A number of neighborhood plans have recently been revised (for example, Totem Lake, North Rose Hill and NE 85th Street) while other neighborhood plans have not been amended since adoption of the 1977 Plan (for example, Market, Norkirk and Highlands). It is the intent of the City to phase these updates over time. The City updates neighborhoods plans on a cycle based on the age of the existing plan and the significance of land use changes in the neighborhood. In the interim, if there are conflicts or inconsistencies between the Comprehensive Plan Elements and a neighborhood plan, the Plan Element goals and policies will apply.~~

~~The Comprehensive Plan is intended to apply, where appropriate, to the Kirkland Planning Area which is also designated as the Potential Annexation Area (see Figure I-2). The City has worked with King County on their~~

Jeremy McMan

From: kkg@aol.com
Sent: Thursday, January 01, 2010 10:00 AM
To: kkg@aol.com; Riplett, Robin; Benkinson, Eric; Shields, Jeremy; McMahan, Jay; Arnold, Janet; Conson, Joan; McRide, Green; Marchione, Jo; Sterno, Penny; Beets, Cary; Wilson, Amy; Walen, Dave; Asher
Cc: kkg@aol.com; neighboringproperties@gmail.com
Subject: Neighbor in Historical Legal Res Mkt Implementing Zone chart

Thank you again for reviewing the information sent in the previous emails.

It may be important for you to see information that the applicant was advised of the restrictions on property during presmittal meetings. This documentation will be forthcoming at a later date.

It may also be important for you to see that this property has consistently been restricted to 1 dwelling units per acre. This will also be sent to you at a later date.

Finally, it may be important for you to know the extent of the public individual homeowners, residents and complete HOAs who immediately alerted the city when they got wind of a project not compliant with the Comprehensive Plan decision that had been made by the city and citizens over the years. There are well over 100 letters that have been sent to the city and there is a roost petition, plus at least 4 attorney letters and one attorney who has telephoned. Much of this information will also be sent to you at a later date.

Of course, sending all of the above at this time would be overwhelming. Please feel free to call, or email me if you want any of this earlier than my future delivery dates.

Thanks,
Jaren Evenson
1111111111

Jeremy McMahan

Tim Brewer tugboattimbo@hotmail.com
Monday, January 30, 2012 10:00 AM
Jeremy McMahan
Re: Potala Village Project

Dear Mr. McMahan:

Thank you for your prompt reply and information provided. It is nice to know that the Potala Village project is under serious review and that the City of Kirkland recognizes the problem the Potala Village project presents in terms of scale, character and density along Lk Washington Blvd/Lake Street in the Moss Bay area.

Sincerely,
Tim Brewer

From: JMcMahan@kirklandwa.gov
To: tugboattimbo@hotmail.com
CC: EShields@kirklandwa.gov; TSwan@kirklandwa.gov
Subject: RE: Potala Village Project
Date: Mon, 30 Jan 2012 16:42:04 +0000

Dear Mr. Brewer:

Thank you for sending your comments. I wanted to provide you with a brief update of the project and let you know about some upcoming meetings that may be of interest.

The site of the proposed Potala Village project is located in a Neighborhood Business (BN) zone. City Council has adopted a moratorium that precludes submittal of any development applications for properties in the BN zone (including the Potala Village site) for a period of six months while the City reevaluates the zoning. The City Council has directed the Planning Commission to study the zoning and the related policies of the Comprehensive Plan in terms of the allowed scale, character, and density. The Planning Commission will hold a series of meetings and make a recommendation to the City Council this spring. The Planning Commission's initial study session is coming up on February 9th (invitation attached). A more formal public hearing will occur later, likely in March.

I will forward your comments to the Planning Commission for their consideration. The best way to stay up to date on the potential code amendments and the project in general is to sign up for e-mail updates by clicking the project list serv link on the City's [Potala Village webpage](#). Don't hesitate to call me if you have any questions. Thank you again for your comments.

Jeremy McMahan
Planning Supervisor
City of Kirkland
jmcmahan@kirklandwa.gov
425.587.3229

From: Tim Brewer [<mailto:tugboattimbo@hotmail.com>]
Sent: Saturday, January 28, 2012 1:52 PM
To: Teresa Swan; Eric Shields; Kurt Triplett
Subject: Potala Village Project

Dear City Officials:

As a Kirkland resident, I take joy in my daily walks along Lake Washington Blvd from near downtown Kirkland to Carillon Point. I have passed by the empty lot where the Rotary Club used to sell Christmas trees every year until this year and have noticed the project sign for Portala Village at Lk Wash Bvd & 10th Ave. S. Now that I have read the details of the Potala Village Project, I cannot fathom how it ever passed Kirkland City zoning, density and traffic ordinances. The Project would not fit in with existing surrounding homes and low level, low density apartments. Besides, the traffic that this project would generate during and after completion would make LK Washington Blvd a bigger traffic nightmare during morning, evening and weekend rush hours than it currently is! Kirkland has lots of empty apartments available and 1,000's of sq ft of retail and office space currently available without adding to the glut on the market. I see this every day I walk..."for rent" signs and empty offices! So let's protect Kirkland's wonderful lakefront beauty and not add an unnecessary and out of place, high density multi-purpose building right on Lk Washington Blvd among single family homes and low density apartment buildings! I appreciate the opportunity to express my views as a Kirkland resident.

Sincerely,

Tim Brewer

Jeremy McMahan

From: Uwkkkg@aol.com
Sent: Monday, January 30, 2012 11:11 AM
To: Mike Miller; C Ray Allshouse; C Ray Allshouse; Karen Tennyson; Andrew Held; Jon Pascal; Byron Katsuyama; Glenn Peterson; George Pressley; Joan McBride; Doreen Marchione; Bob Sternoff; Penny Sweet; Toby Nixon; Amy Walen; Dave Asher; Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Jay Arnold; Janet Jonson
Cc: uwkkkg@aol.com; neighboringproperties@gmail.com
Subject: Residential Mkt: Citizens of prior down zone most strong support for Res Mkt

Interestingly, as you look at the maps, the strongest (virtually unanimous support) for Residential Market comes from those HOAs and individuals where the properties were down zoned in 1977 to 12 dwellings per acre.

Most of these properties are actually built to approx 24 per acre but could not be rebuilt or substantially repaired/remodeled without losing half their density. They are considered non-conforming.

P.S. Eric & Planning Commission... In your work this year can you add in the non-conforming provisions? Listening back to the tapes, in July the agreement was to tackle the non-conformance this past fall. Then a "notice" came out stating that it would be tackled in 2012. We don't want it to slip off the radar. There are old 1950, 1960, 1970 condos that are in a real bind. They need to do major repair and have old wiring, plumbing, insulation, non-CFL bulbs, no fire sprinkler systems, etc. Because they are non-conforming they cannot do all the work that is needed unless half of the residents are displaced and agree to give up their condos (obviously not going to happen).

Thanks all,
Karen Levenson
415-218-4452

Jeremy McMahan

From: Uwkkkg@aol.com
Sent: Monday, January 30, 2012 10:55 AM
To: Uwkkkg@aol.com; Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Jay Arnold; Janet Jonson
Cc: neighboringproperties@gmail.com
Subject: BN & Residential Market - Maps re extent of Public commitment to Residential Mkt
Attachments: Map of Condos and HOAs supporting Current Definition Residential Market Commercial[1].pdf; Map of Residents Property Owners supporting Residential Market and current Comp Plan DRAFT-IN PROGRESS[1].pdf

Note: Sending the emails in batches to avoid being seen as spam
Sending to Planning Commission for their current review of BN & Residential markets
Also sending as background to City Council, Staff, City Attorney & neighbor groups / attorneys
=====

Good morning Commissioners... and thank you for your time with the information below (& attachments)

We've heard some question about the extent of public commitment to the Residential Market - Commercial designation that was assigned to one of the BN properties...

First, please note that even though the two properties were BN, there were acknowledged differences

- a) One is BN, and one is BN(1) ...
There is more to the story of the (1)(3)(4)s... we'll discuss at a later date
- b) The BN(1) is in an area identified for the more intense "Neighborhood Center - Commercial"
The BN is in an area identified for the very low intensity "Residential Market - Commercial"

Second, you find two maps attached to this email. They are just our worksheets so they are to be considered drafts. They intend to give you a gauge on how many community members have taken active steps to tell the city that the Comprehensive Plan decisions and the Residential Market designation needs to be upheld. Some participants are very active and have gone to numerous meetings, worked with attorneys and interacted with the media. Others have written letters and spoken at meetings. Some have contributed funds to the legal fund and some have signed petition and or submitted additional comments.

What is interesting is that those that are participating actively are not just those in the few blocks around the BN-Residential Market zone. Those outlying areas are further highlighted on the sheet by bright yellow indicator. Also, the stars in the close in area are a bit misleading because we could not put all the stars onto the grid. We simply ran out of room.

The two lists (the participating HOAs & the individual residents/owners) both require more work to be better documented. You'll see that there are some names that do not have addresses etc..

We felt, however, that this early glimpse at the extent of support for the Comprehensive Plan designation that was decided in 1995 and subsequently re-approved on many occasions, has the overwhelming support of the neighborhood (Moss Bay and Lakeview... it is on the border of these two neighborhoods). More than support, the locals are insistent that the uses previously defined based on public, staff and city decisions be upheld.

Of interest is that our outreach has encountered almost no one in support of a change to a higher intensity use than Residential Market.

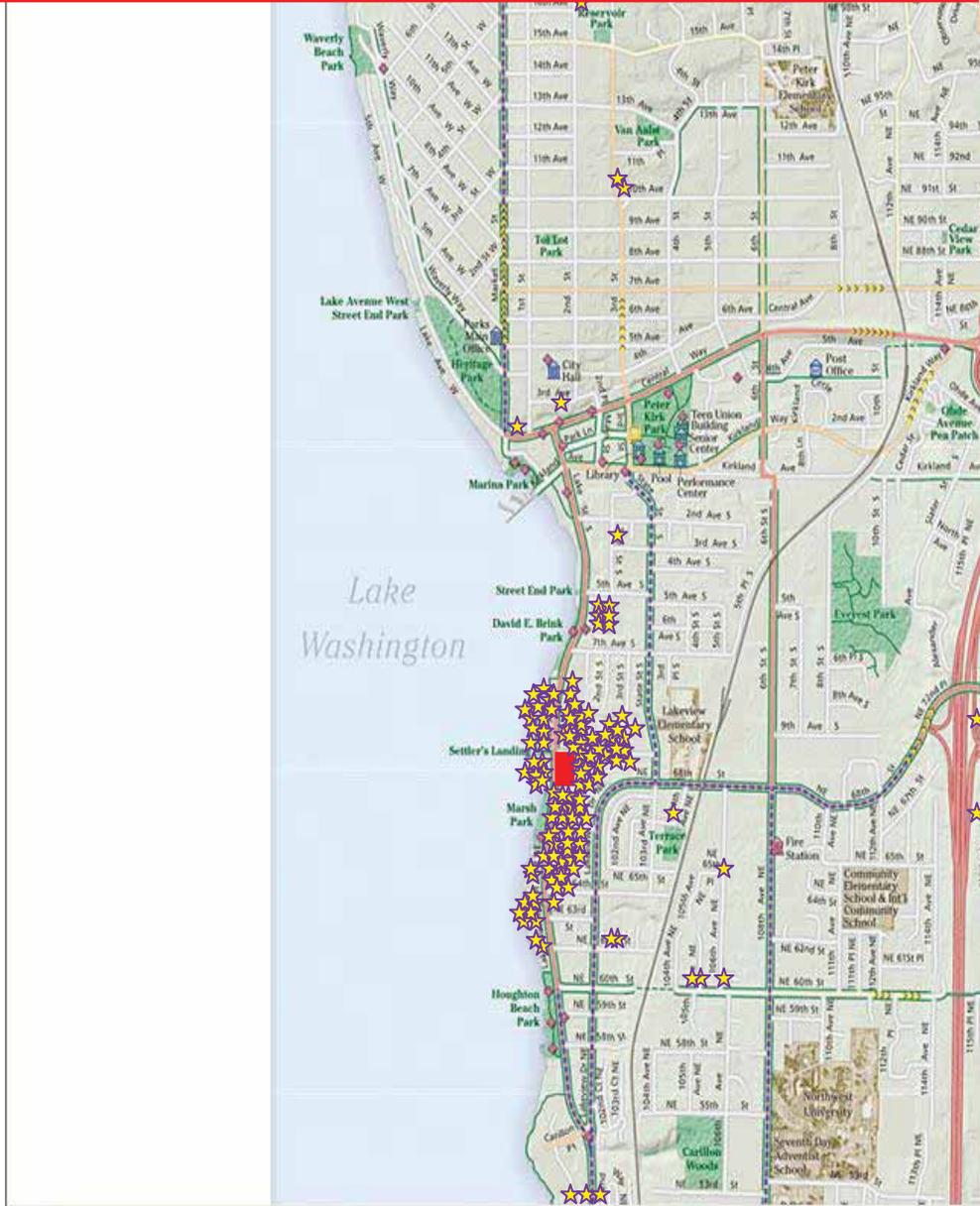
Hopefully this information is helpful to you.

Best,
Karen Levenson

**THIS IS A DRAFT - OUR WORKSHEET IN PROGRESS
PROVIDED TO EVALUATE APPROXIMATE LEVEL OF CITIZEN INPUT
IN SUPPORT OF EXISTING COMP PLAN & HISTORICAL DECISIONS
"RESIDENTIAL MARKET - COMMERCIAL DESIGNATION"**

(*see attached email for clarifications/some names and
addresses still need to be added and/or clarified)

Frank Amato 807 Lake St S #B827 #107 Sunset HOA,
Susan Amato 807 Lake St S #B827 #107 Sunset HOA,
James Anderson 711 1st St S, Jack Arndt 6424 LWB #33 HOA Board,
Christy Arndt 6424 LWB #33, Thomas Armitage 6424 LWB #34,
Carol Armitage 6424 LWB #34, Nancy Boehme, 135 10th Ave S,
Giles Larsen 135 10th Ave S, Heather Bradford 930 1st St S,
Cary Badger 10141 NE 66th Marsh Mansion HOA, Dick Gode 735 1st St S,
Byron, Christian Brattlen 4437 LWB #202, Nancy Gode 735 1st St S,
Alison Barnes-Martin 6620 LWB #202 Park Condo HOA,
Nathan Brooling, 921 3rd St S, Barry Bloch 10259 NE 62nd,
Steve Cullen 945 1st St S, Doris Cosley 6714 LWB HOA,
Randall Cohen 905 Lake St S Unit 2S Water's Edge HOA,
Steve Corey 6736 104th NE, Sue Crickmore 12020 NE 66th St,
Jack Danforth 215 5th Ave S #102 Shumway HOA President,
Susan Danforth 215 5th Ave S #102 Shumway HOA,
J Engle 816 Lake St S # 832 HOA, Chuck Greene 29 10th Ave S,
Alis Freimanis 10108 68th St Park Bay HOA, Shawn Greene 29 10th Ave S,
John Flynn 6363 LWB #201 HOA, Kathy Meek or Kathy Feek (62),
Gigi Forbes 6620 LWB #201 Park Condo HOA, Liv Grohn 338 10th Ave,
Vafa Voss Fouroohi 10608 NE 60th St, Heidi Greene 29 10th Ave S.,
Amit Fulay 217 10th Ave S, George Fouch 6424 LWB # 32 HOA,
Darlene Falk 6620 LWB #102 Park Condo HOA BOD,
Pam Goral 816 Lake St S #818 HOA, John Hartley 735 1st St S # 302,
James (CK) Coles 905 Lake St S Waters Edge HOA
Dione Godfrey 1015 Lake St S, Barbara Groves 10907 NE 66th Pl,
Robert Gemmell 6424 LWB #11 HOA, Phyllis Gemmell 6424 LWB # 11 HOA,
Tom Grimm 1003 Lake St S #201 HOA,
Bruce and Linda Heckeberg (10), Frank Haas 528 Lake St S #303 Shumway
HOA, Dan Wentzel 905 Lake St S Waters Edge HOA
Stan Handall? (79), Glen Holden 6201 LWB #204 Pebble Beach HOA,
Nancy Hoppe? (109), Anita Jepson 6013 105th Ave NE,
Barry Jepson 6013 105th Ave NE,
Sherril Jaksha 10123 NE 66th Ln Marsh Mansion HOA,
Maureen Kelly 6201 LWB # 102 Pebble Beach HOA, Harry Kallick (82),
Michael Keyes (?-109 2nd S # 552 Portsmouth-?), Rich Knight 1612 2nd St,
Sue Knight 1612 2nd St, Charles Loomis 100 10th Ave S,
Laura Loomis 100 10th Ave S, Hugh Levenson 6620 LWB # 101 Park Condo
HOA, Cynthia Glaser 110 10th Ave S, JHartley
Karen Levenson 6620 LWB # 101 Park Condo HOA President,
Daniel Ling 925 Lake St Waters Edge HOA,
Bill McNeill 6333 LWB #308 Wash Shores HOA,
Kirk Mathewson 905 3rd St S, Carol Mathewson 910 2nd St S,
Shirley Miller 221 5th Ave S # E221 Shumway HOA,
Mark Miller 221 5th Ave S # E221 Shumway HOA,
Gabriel Miller 221 5th Ave S # E221 Shumway HOA,
Joan McGuire 6201 LWB #103 Pebble Beach HOA
Vivian Morie? (70), Marchell Mathes 10141NE 66th Ln Marsh Mansion HOA,
Dirk Mosa 137 10th St S, Andrea Mosa 137 10th St S,
Julie McAvoy(?) (134), Amy Mosher 1806 3rd St,
Lee Obrzut 925 Lake Street #302S Waters Edge HOA,
Michael Phillips 905 Lake St S Waters Edge HOA,
Chantelle Phillips 905 Lake St S Waters Edge,
Peter Powell 1015 Lake St S, Stan Handall?(79),
Karen Mantering 905 Lake St S Unit 2S Water's Edge HOA,
N Stewart Rodgers 6424 LWB # 12, Richard Satre 905 1st St S,
Mark Jenkins 10145 NE 66th Ln Marsh HOA President, Matha Jenkins 10145
NE 66th Ln, Casey Sibert 6610 LWB Marsh Mansion HOA, Sam Sibert 6610
LWB Marsh Mansion HOA, John & Patricia Rogers 1025 Lake St S,
Janelle Milodragonovich 921 3rd St S,
Stanley Handley 945 1st S S Highland House HOA
Chuck Pilcher 10129 NE 62nd, Patrich Barthe 10108 NE 68th St # A2 HOA,
Amber Bosch 10108 NE 68th St #A3 HOA,
Mike Reavey 6620 LWB Park Condo HOA Board, Rick Trepus 6620 LWB
Park Condo HOA, Winston & Ginny DeForest 945 1st St S
Sharon and Arlyn Nelson 6736 LWB # 8 HOA , Karen Balkin, Cynthia Glaser
Phil and Lynn Wescott 6736 LWB #4 HOA
Penny Palmer 6333 LWB # 303 Wash Shores HOA
Victoria Palmer 6333 LWB # 303 Wash Shores HOA
Gail Powell 6736 LWB # 1 HOA, Steven Rich 6363 LWB # 202 HOA,
Daniel Pepper, Vangie Pepper, Micah Pepper(69)
Lisa Pavlovsky (101), Celia Pym 6424 LWB # 13 HOA,
Peter Robertson 807 Lake St S # 200 Sunset HOA
Sherry Rodriguez (19), Sharon Riddle 4921 102nd Ln,
Augustina Reisman (86), N Stewart Rogers 6424 LWB # 12 HOA
Carol Rogers 6424 LWB # 12 HOA, Marv Scott 6504 106th Ave NE,
Carol Satre 905 1st St S, Darlene Shilling 827 Lake St S #104 Sunset HOA,
Nancy Silvernale 129 3rd Ave #P703, Robert Style 6735 LWB, Andrea Short
6421 LWB # 208 Bayshore HOA, Tom Short 6421 LWB # 209 Bayshore
HOA, Suzanne Scallon 10103 NE 66th Ln Marsh Mansion HOA,
Philip Schonger (99), Shannon (106), Susan Thornes 10106 NE 38th Ct#903,
Robin Vogel 229 18th Ave , Mary Wilson (?) 10127 NE 66th Marsh Mansion
HOA, James Wix 6363 LWB # 101 HOA, Jean Wix 6363 LWB # 101 HOA,
Ellen Yagle 6714 LWB, Kay Zatine 6901 117th Ave NE,



THIS IS A DRAFT - OUR WORKSHEET IN PROGRESS

It is being shared to help you gauge the amount of support that has been expressed for maintaining the restrictions on this BN property identified by the Comprehensive Plan for limited commercial uses and termed "Residential Market - Commercial"

(* see further clarifications in the attached email)

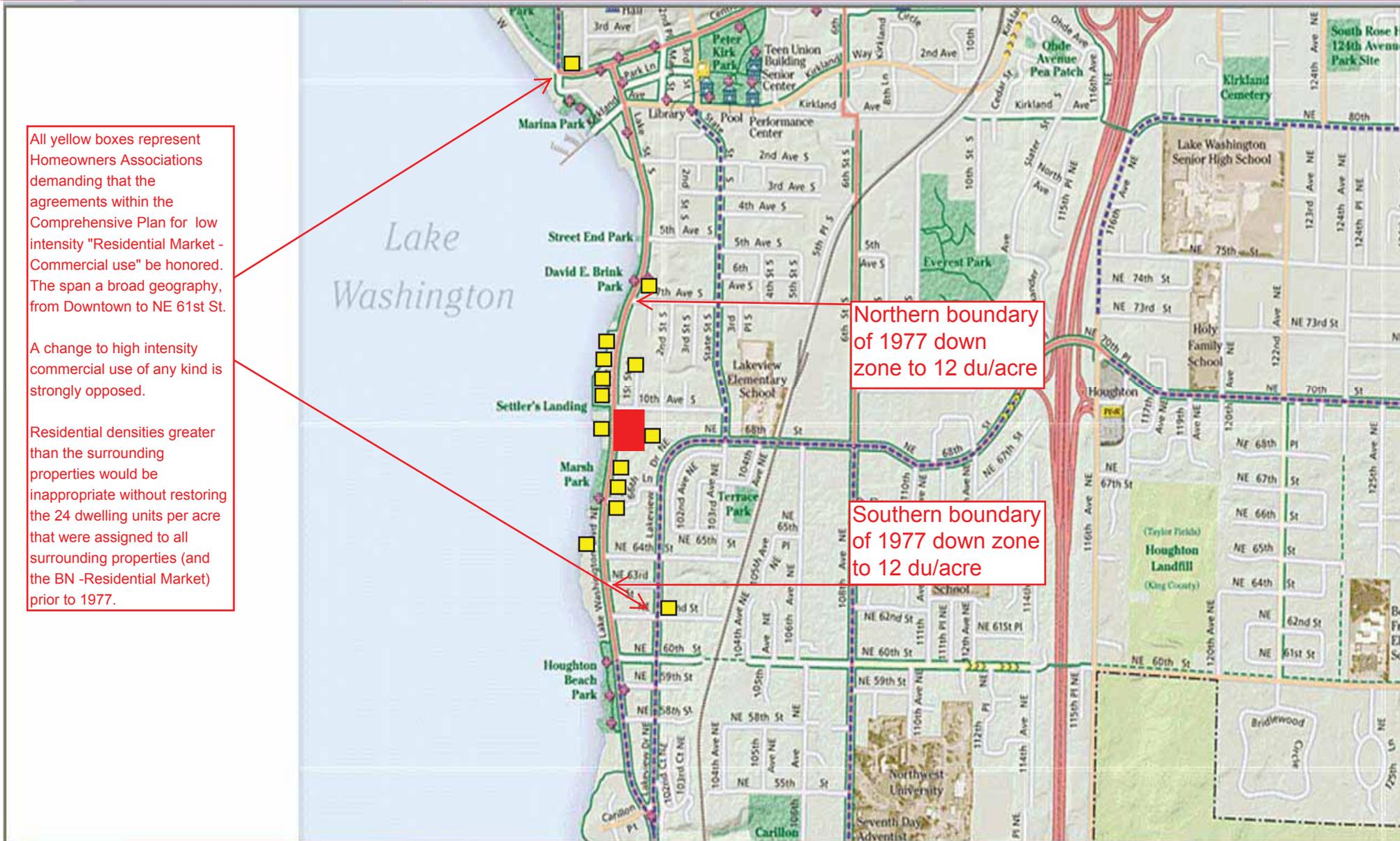
All yellow boxes represent Homeowners Associations demanding that the agreements within the Comprehensive Plan for low intensity "Residential Market - Commercial use" be honored. The span a broad geography, from Downtown to NE 61st St.

A change to high intensity commercial use of any kind is strongly opposed.

Residential densities greater than the surrounding properties would be inappropriate without restoring the 24 dwelling units per acre that were assigned to all surrounding properties (and the BN -Residential Market) prior to 1977.

Northern boundary of 1977 down zone to 12 du/acre

Southern boundary of 1977 down zone to 12 du/acre



Jeremy McMahan

From: Uwkkkg@aol.com
Sent: Tuesday, January 31, 2012 9:05 AM
To: Uwkkkg@aol.com; Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Jay Arnold; Janet Jonson
Cc: neighboringproperties@gmail.com
Subject: ATTACHMENT for BN - Residential Market: Jaw dropping map presented by developer
Attachments: Aerial Overhead view - Lake Street at 10th[1].pdf

Sorry... brought to my attention that the attachment wasn't sent.
Here's the jaw dropping map !!!

In a message dated 1/31/2012 11:19:19 A.M. Eastern Standard Time, Uwkkkg@aol.com writes:

The email below (and attachment) is being sent to planning commissioners, staff, city manager, city attorney.. as well as local neighbor groups (and attorneys as the various groups deem appropriate). It was also sent to the mayor and council.

It is being forwarded to you so that you have all the background information and so that this can go into the city files as appropriate.

=====

Dear Commissioners:

Attached is the map that we promised to send along.
If it doesn't make your jaw drop, I'll eat my hat !!!

OK, so I'm not really wearing a hat!!!
But everyone that has seen this map has indicated some level of disbelief, shock etc.

The attached map and the residential count (# residences in circles) were prepared by a developer whose mother lives next door to the property. He is strongly opposed and feels that this is an inappropriate development. (You may need to zoom in to see the notations made on the map - they are important).

When another developer heard about the proposal he wrote to the city: *"I just received a prospectus on a 186 unit apartment development on the SE corner of 10th Ave South and Lake Washington Blvd. I think we spoke about this site. How can they get that with the zoning?? Thanks...."*

In a future email we will present factual information from the city's files that show recent denials when other developers tried to build anything more than 12 dwellings per acre on subject property.... they were simply restricted from doing so.

In that email you will also receive written comments by the city where they state that development on this site needed to be in line with zoning AND comprehensive plan. This is accompanied by city statements that "if conflicts exist, the most restrictive would apply"

You will also receive documentation from city files showing the presubmittal documents given to the applicant and the early "heads up" that would have alerted him that "Potala" does not fit, and is not an allowed project for subject property.

Thanks,

Karen Levenson (San Francisco Business cellphone 415-218-4452 ... should you have any questions)

Zone Use Chart needs to address:

Residential Market

"A residential market is an individual store or very small, mixed-use building/center"

- 1) Need size and scale restrictions to allow for "very small" building/center
- 2) Need to outline if each lot needs to have individual building or if a building can span multiple parcels. This is particularly important with the current proposal since half of the property will be leased. If there is a problem with the lease, it can be difficult to maintain a building owned by two disgruntled former business partners.
- 3) Mixed-Use: This needs further clarification. It would appear that mixed-use would be limited to a building that aggregates two or three (or more) of the approved uses, rather than allowing for a non-specified use within the building/ctr.

"...focused on local pedestrian traffic"

- 1) What zone use information can be added that would make these Res Mkts be more pedestrian oriented?

"Residential scale and design are critical to integrate these uses into the residential area."

- 1) What wording does the zone use chart need to utilize to ensure residential scale?
- 2) Residential design should likely mean that some sort of design review needs to happen
- 3) How will the zone use chart ensure that the uses are adequately integrated into neighborhood

"Uses may include corner grocery stores, small service businesses (social service outlets, daycares), laundromats, and small coffee shops or community gathering places."

- 1) During the Growth Management Land Use discussion apartments were included in this "Residential Market" designation and then were removed for the final list of approved uses.
- 2) Office uses were also not included as approved uses.
- 3) Uses were to be street level retail or service business which would attract neighbors and would be size, scale and design similar to surrounding properties in order to blend in.

NOTE: It is important to see how small the surrounding properties are in comparison with the huge proposed building. Also note how almost all surface will be impervious as only the most minimal of setbacks are utilized in order to fully exploit ALL the maximum building dimensions

HUGE disproportionate sized development. The proposal for the BN-Residential Market site is presented similar to the size and scale that is proposed

Approx Building Size
Proposed 143 UNITS
@ 116 du/acre
Ground Floor Parking
and small amount of
office (50% submerged)



© 2011 Google

© 2011 Europa Technologies

47°40'01.65" N 122°12'17.44" W elev 71 ft

Imagery Date: 6/11/2010 1990

Eye alt 2357 ft

Jeremy McMahan

From: Uwkkg@aol.com
Sent: Wednesday, February 01, 2012 1:08 PM
To: Jeremy McMahan
Cc: uwkkg@aol.com; neighboringproperties@gmail.com
Subject: BN Residential Mkt Here's an additional item being sent today/tomorrow: unlocked
Attachments: Petition re Support Ordinances and Plans unlocked.pdf

The Petition

SUPPORT THE COMPREHENSIVE PLAN AND ADOPTED ORDINANCE 3974

DO NOT ALLOW UNPLANNED, ULTRA-HIGH DENSITY IN RESIDENTIAL MARKET ZONES

There has been a showing of local residents and property owners at several meetings of the Kirkland City Council and at other forums.

At the same time, there are many property owners impacted by the facts below who reside out of town, travel and work out of town, find themselves committed to holiday weeks and preparation, or otherwise unable to attend the numerous meetings of Kirkland City Council, Kirkland Planning Commission, Houghton Community Council or any/all of the neighborhood meetings.

For that reason, the petition below is being submitted to convey interest, input and participation in the matter listed below.

All Councils, Commissions and Neighborhood groups are asked to consider the signatures below as if the attendees were able to be present on the meeting dates upcoming where the subject matter is Potala Village, Zoning, Comprehensive Plan, Ordinances, Development Regulations, Shoreline Development Permit, SEPA, Building Permit, Interim Moratorium, or any other topics that may be raised regarding any development proposed for the Southeast Corner of Lake St S/Lake Washington Boulevard and 10th Ave S, as designated by parcel numbers 0825059233, 9354900220 and 9354900240, and,

Whereas, in 1977 most of the properties abutting Lake Washington Boulevard and Lake Street South were rezoned downwards, often from a density of 24 units per acre to 12 units per acre, and,

Whereas, those properties already developed to a higher density were allowed to remain but became legally non-conforming with the difficulties and challenges that this designation imposes, and,

Whereas, the city's action of 1977 was unpopular with many who felt they lost their right to develop property at a higher density, and the city and citizens spent two years in a lawsuit, and,

Whereas, Potala Village, a very high density apartment building with a few offices and parking at ground level (and below) is being proposed on a parcel within the downzoned area at a density of approximately 116 residential units per acre (at 10 times the allowed density), and,

Whereas, the property at the southeast corner of Lake St S/Lake Washington Blvd and 10th Ave S is clearly identified, and circled on the Commercial Land Use Map of Kirkland (LU-2) and the text on that map clearly states "10th Ave S./Lake Washington Blvd. Residential Market," and,

Whereas, Residential Market is defined in the Comprehensive Plan as "A residential market is an individual store or very small, mixed-use building/center focused on local pedestrian traffic. Residential scale and design are critical to integrate these uses into the residential area," and,

Whereas, uses allowed in Residential Market - Commercial areas are stipulated, "Uses may include corner grocery stores, small service businesses (social service outlets, daycares), laundromats, and small coffee shops or community gathering places." and,

Whereas, residential or housing is specifically identified as a use in four of the six types of commercial land use, but NOT included as a use in Residential Market - Commercial lands, and,

Whereas, we believe that applying a commonly accepted statutory rule of construction, the omission of reference to housing or residential dwellings in two of the four Commercial Use descriptions would indicate that housing is NOT an approved use for those two zones, and

Whereas, if housing were to be provided for in the proposed Potala Project, it is restricted to no more than 12 units per acre as described in text highlighted and given as part of Presubmittal Materials to the Applicant (on file with City of Kirkland) wherein the Mossbay Neighborhood Chapter of the Comprehensive Plan states, "Lands on the east side of Lake Washington Boulevard, south of 7th Avenue South and west of the midblock between First and Second Streets South, are also appropriate for multifamily uses at a density of 12 dwelling units per acre. This designation is consistent with permitted densities to the north and south along Lake Washington Boulevard." and,

Whereas, additional text from Moss Bay Neighborhood Chapter of Comprehensive Plan is listed as PRE09-00072 Material Given to Applicant and that highlighted paragraph states "Most of the land on the east side of Lake Street South appears to be unsuitable for commercial use because of steep slope conditions, as well as problems concerning vehicular ingress and egress. The southeast quadrant of the 10th Street South and Lake Street intersection, however, is developed with a market which serves as a convenience to the surrounding residences. Limited commercial use of this location, therefore, should be allowed to remain." and,

Whereas, State EPA review provides for proposed projects to be reviewed for consistency with the adopted Comprehensive Plan, and,

Attachment 10s

Whereas, Ordinances are local laws and Ordinance 3974 confirmed a designation of "Residential Market" and confirmed uses for subject property, and provided that administrative actions and decisions must be made in accordance with the Comprehensive Plan, and,

Whereas, the application for a Substantial Development Permit states specifically, "Your application will be evaluated on the basis of the information you provide, the criteria listed in the pertinent sections of the Zoning Code, the Kirkland Comprehensive Plan, other City regulatory ordinances, inspection of the property, as well as testimony and evidence presented through public comments." and,

Whereas, as neighbors and visitors to the neighborhood surrounding 10th Ave S/ Lake Ave S we are very concerned about the environmental and safety impacts to the area; things like increases in traffic and auto emissions (particularly from increased traffic backups), increases in noise, sound, and loss of privacy, increases in safety risk to all who cross the streets on foot or use the boulevard for bicycle or pedestrian travel, increases in risk as 108 cars per hour enter and exit the roadway where vehicular ingress and egress is difficult, increases in spillover parking and reduced supply of parking for current visitors and guests, and,

Whereas, we contend that in contrast to the small scale development contemplated by the Comprehensive Plan, the Potala proposal would create 6,000 square feet of office 143 residential units and hundreds of underground parking for cars that will enter or exit Lake St S at a rate of two per minute during peak pm. Hardly a project one would call "very small" or "limited commercial use," and,

Whereas, the city of Kirkland has adopted the provisions of its Comprehensive Plan as substantive SEPA policies and has adopted the policies of SEPA itself which place a strong emphasis on protecting neighborhood aesthetics and welfare, and,

Whereas, here the aesthetics of the neighborhood would be severely impacted by a structure with the height, bulk and scale of the proposed building, and,

Whereas, the proposal would introduce hundreds of new residents into a very small parcel of land that is ill-equipped to handle them, thus degrading the neighborhood environment, and,

Whereas, the proposed Potala project offends not only the City's Comprehensive Plan but also SEPA's policy statements seeking to protect the character and aesthetic qualities of the built and natural environment, and,

Whereas, a failure to properly apply the Comprehensive Plan "10th Ave S/Lake Washington Blvd. Residential Market" conditions would be inconsistent with Ordinance 3974 (local law) and the requirement that decisions be made consistent with the Comprehensive Plan, and,

Whereas, we contend that the approval of a development providing 116 units per acre in an area that was unfavorably reduced in dwellings down to 12 per acre would constitute inequitable and preferential treatment to one property owner, and,

Therefore, we, the undersigned, object to development on the southeast corner of Lake St S/Lake Washington Blvd / 10th St South in Kirkland in any manner which is not consistent with the Residential Market - Commercial definition as adopted in the Land Use Chapter of the Comprehensive Plan in 1995, then reaffirmed in 2004 by Ordinance 3974. Further, we object to development that includes residential dwelling units, especially if such density exceeds 12 units per acre as specified for properties along Lake Street S and Lake Washington Boulevard south of 7th Ave S. Further, we object to high intensity uses being allowed to replace the planned low intensity uses for this site.

We ask that all elected and appointed officials, and all city staff, fulfill their duty to protect the health, safety and welfare of the citizens of Kirkland. We ask that they do so by supporting the Ordinances and Plans that are designed for orderly (not piecemeal) growth, particularly the Adopted Comprehensive Plan and Ordinance 3974, in this case.

Signatures 152 TOTAL

1. 1

Name: Marvin H Scott on Nov 20, 2011
Comments:

2. 2

Name: Susan Thornes on Nov 20, 2011
Comments:

3. 3

Name: Mike Phillips on Nov 20, 2011
Comments: Please be responsible. You have the trust of the voters.

4. 4

Name: Maureen Kelly on Nov 21, 2011
Comments:

5. 5

Name: Shawn Greene on Nov 21, 2011
Comments:

6. 6

Name: *Anonymous* on Nov 21, 2011
Comments:

7. 7

Name: Carol Satre on Nov 21, 2011
Comments:

8. 8

Name: Christian Bratlien on Nov 21, 2011
Comments:

9. 9

Name: Darlene Shilling on Nov 21, 2011
Comments:

10. 10

Name: Bruce Heckenberg on Nov 21, 2011
Comments: Why have a comprehensive plan if the city council doesn't pay attention to it? We have been thru this several times before. Downtown cannot deal with these mega projects. Areas such as Totem Lake can deal with density as they have access to 405 and other main arteries. It is already impossible to drive down Lake Washington Blvd in the summer as traffic is at a stand still.

11. 11

Name: Frank J. Amato & Susan P. Amato on Nov 21, 2011
Comments: Obviously the proposal is too dense for the area. Water run off is a problem in this area and would be greatly increased as well as previously noted problems.

12. 12

Name: Kay Zatine on Nov 21, 2011
Comments:

13. 13

Name: *Anonymous* on Nov 21, 2011
Comments:

14. 14

Name: *Anonymous* on Nov 21, 2011
Comments:

15. 15

Name: *Anonymous* on Nov 21, 2011
Comments:

16. 16

Name: Laura Loomis on Nov 21, 2011
Comments:

17. 17

Name: *Anonymous* on Nov 21, 2011**Comments:**

18. 18

Name: Hugh Levenson on Nov 21, 2011**Comments:**

19. 19

Name: Sherry Rodriguez on Nov 21, 2011**Comments:** I am not for this project. It is not right for the city of Kirkland. It is not for the betterment of the community.

20. 20

Name: Atis Freimanis on Nov 21, 2011**Comments:**

21. 21

Name: Byron on Nov 21, 2011**Comments:**

22. 22

Name: Bill McNeill on Nov 21, 2011**Comments:**

23. 23

Name: Pamela Goral on Nov 21, 2011**Comments:**

24. 24

Name: Kirk And Carol Mathewson on Nov 21, 2011**Comments:** Potala is too much in the wrong place. The city needs to refine this area to within that density and scale projected many years ago.

25. 25

Name: Casey Sibert on Nov 21, 2011**Comments:**

26. 26

Name: Nancy A, Silvernale on Nov 21, 2011**Comments:** This project is way too big and busy. Please do not allow this to be built.

27. 27

Name: Sharon Riddle on Nov 21, 2011**Comments:**

28. 28

Name: Heather Bradford on Nov 21, 2011**Comments:**

29. 29

Name: Shirley Miller on Nov 21, 2011**Comments:** Please do not approve this, or any similar, high density development. Maintain the current density standards in order to maintain property values.

30. 30

Name: *Anonymous* on Nov 21, 2011

Comments:

31. 31

Name: Robin Vogel on Nov 21, 2011

Comments:

32. 32

Name: Dick & Nancy Gode on Nov 21, 2011

Comments:

33. 33

Name: Steve Cullen on Nov 21, 2011

Comments:

34. 34

Name: Robert L. Style on Nov 21, 2011

Comments:

35. 35

Name: Robert L. Style on Nov 21, 2011

Comments:

36. 36

Name: Robert L. Style on Nov 21, 2011

Comments:

37. 37

Name: Mary C. Wilson on Nov 21, 2011

Comments:

38. 38

Name: Lee Obrzut on Nov 21, 2011

Comments:

39. 39

Name: Heidi Green on Nov 21, 2011

Comments: I object to this proposal/plan

40. 40

Name: Frank H Haas on Nov 21, 2011

Comments:

41. 41

Name: Linda Heckenberg on Nov 21, 2011

Comments:

42. 42

Name: Andrea Short on Nov 21, 2011

Comments:

43. 43

Name: Karen Levenson on Nov 21, 2011
Comments:

44. 44

Name: Suzanne Scallon on Nov 21, 2011
Comments: Please stop this madness!

45. 45

Name: Alison Barnes Martin on Nov 21, 2011
Comments:

46. 46

Name: John F Rogers And Patricia D Rogers on Nov 21, 2011
Comments:

47. 47

Name: *Anonymous* on Nov 21, 2011
Comments: I see on the City website that the structure falls into their guidelines for the permit to be issued. However, a project of this size does not fit with the feeling of the waterfront core and the traffic impact would be significant. Already overcrowding on Lk Wa Blvd is an issue and negatively impacts shops & restaraunts on the Boulevard.

48. 48

Name: Doris Cosley on Nov 21, 2011
Comments: I live 2 condos down from this propsed bldg plan. I can't even imagine what it will do the traffic with 143 cars added. Have you gone outside and checked the bumper to bumper traffic for several hours at a time each late afternoon. Just TRY to get on to the st. as I have to do from my driveway!!!

49. 49

Name: Doris Cosley on Nov 21, 2011
Comments: I live 2 condos down from this propsed bldg plan. I can't even imagine what it will do the traffic with 143 cars added. Have you gone outside and checked the bumper to bumper traffic for several hours at a time each late afternoon. Just TRY to get on to the st. as I have to do from my driveway!!!

50. 50

Name: Randall Cohen on Nov 21, 2011
Comments: City of Kirkland should not have granted a site-specific zoning of unlimited density to favor one site or developer at the expense of the rest of Kirkland residents.

51. 51

Name: M. Joan Maguire on Nov 21, 2011
Comments: I am 81 years old and first moved to Kirkland in 1962. In all my years in Kirkland, I have never seen a project that is as hurtful to Kirkland as Potala Village. Having lived at 6201 Lake Wa. Blvd. for the last 18 years, I am deeply grateful for the life I have here and realize how fragile our environment is. We must all protect the land, water and human factors that make Kirkland so spectacular. Please do everything to prevent Potala Village.

52. 52

Name: Victoria Palmer on Nov 21, 2011
Comments:

53. 53

Name: Jack Danforth on Nov 21, 2011
Comments:

54. 54

Name: Nathan Brooling on Nov 21, 2011

Comments:

55. 55

Name: Steven Corey on Nov 21, 2011**Comments:**

56. 56

Name: Richard Trepus on Nov 21, 2011**Comments:** I cannot even believe the City of Kirkand preliminarily approved this. Do you think you are exempt from the laws and rules you set for the rest of us folks? Shame on the Council and the staff in the planning department for allowing this to almost get through. This wrecks of corruption. You people owe a higher standard to the taxpayers in this otherwise fine city.

57. 57

Name: *Anonymous* on Nov 21, 2011**Comments:**

58. 58

Name: John Flynn on Nov 21, 2011**Comments:** I am amazed that a project of this magnitude has even gotten to this step in the planning process.

59. 59

Name: Steven R. Rich on Nov 21, 2011**Comments:** Please maintain adopted Ordinance 3974!

60. 60

Name: Peter S. Robertson on Nov 21, 2011**Comments:**

61. 61

Name: Charles A. Pilcher on Nov 21, 2011**Comments:**

62. 62

Name: Kathy Feek on Nov 22, 2011**Comments:** Stay within zoning unless project brings value. This brings nothing.

63. 63

Name: Mark Miller on Nov 22, 2011**Comments:**

64. 64

Name: Barry Bloch on Nov 22, 2011**Comments:**

65. 65

Name: Dione Godfrey on Nov 22, 2011

Attachment 10s

Comments: The Potala village Project just should not happen at all in Kirkland on Lake Street. I live directly across the street and will open my front door to look at this very inferior building besides the ridiculous amount of very small units and a few hundred cars coming out of one driveway as I attempt to drive out myself. It makes no sense that something like this could be built in this very lovely residential neighborhood. I have already been told that I should put my home up for sale right now because if this goes through my property value will diminish significantly. I hope and pray that the city of Kirkland will take this into consideration. It would be a wonderful piece of property for a 12 unit condo. There is nothing on the boulevard or lake street that looks like the Potala plan. It just doesn't belong here or anywhere else in Kirkland. The Everett project is so unattractive and very unsuccessful. Thank you for your consideration. Dione Godfrey

66. 66

Name: Dione Godfrey on Nov 22, 2011

Comments: The Potala village Project just should not happen at all in Kirkland on Lake Street. I live directly across the street and will open my front door to look at this very inferior building besides the ridiculous amount of very small units and a few hundred cars coming out of one driveway as I attempt to drive out myself. It makes no sense that something like this could be built in this very lovely residential neighborhood. I have already been told that I should put my home up for sale right now because if this goes through my property value will diminish significantly. I hope and pray that the city of Kirkland will take this into consideration. It would be a wonderful piece of property for a 12 unit condo. There is nothing on the boulevard or lake street that looks like the Potala plan. It just doesn't belong here or anywhere else in Kirkland. The Everett project is so unattractive and very unsuccessful. Thank you for your consideration. Dione Godfrey

67. 67

Name: Daniel Pepper on Nov 22, 2011

Comments: Really! What's the point of a comprehensive plan if it can be ignored. Don't ruin our Lake Washington Blvd! Thanks, Daniel Pepper

68. 68

Name: Vivian Morie on Nov 22, 2011

Comments:

69. 69

Name: Vangie Pepper on Nov 22, 2011

Comments:

70. 70

Name: Vivian Morie on Nov 22, 2011

Comments:

71. 71

Name: Vivian Morie on Nov 22, 2011

Comments:

72. 72

Name: Vivian Morie on Nov 22, 2011

Comments:

73. 73

Name: Vivian Morie on Nov 22, 2011

Comments:

74. 74

Name: Vivian Morie on Nov 22, 2011

Comments:

75. 75

Name: Vivian Morie on Nov 22, 2011

Comments:

76. 76

Name: Gigi Forbes on Nov 22, 2011**Comments:** Please review and rethink the Potala Plans to a fair and equitable position for the proper zoning it should be.

77. 77

Name: James And Jean Wix on Nov 22, 2011**Comments:** Traffic on Lake Washington Blvd is already backed up over a mile from down town Kirkland during high traffic times . Adding an additional 300 + cars to this mix FROM ONE PROPERTY is insanity!

78. 78

Name: *Anonymous* on Nov 22, 2011**Comments:**

79. 79

Name: Stan Handalt on Nov 22, 2011**Comments:**

80. 80

Name: Suzan Danforth on Nov 22, 2011**Comments:**

81. 81

Name: Nancy Boehme on Nov 22, 2011**Comments:** Say No to Potala Village & other High Density buildings outside of the immediate downtown Kirkland area!

82. 82

Name: Harry KALLICK on Nov 22, 2011**Comments:** I find the argument against the project very compelling, and consistent with my feelings when I purchased in the area on Lake Washington Blvd

83. 83

Name: Vafa Voss Fourroohi on Nov 22, 2011**Comments:**

84. 84

Name: *Anonymous* on Nov 22, 2011**Comments:**

85. 85

Name: Michael Keyes on Nov 22, 2011**Comments:**

86. 86

Name: Agustina Reisman on Nov 22, 2011**Comments:**

87. 87

Name: Micah Pepper on Nov 22, 2011**Comments:**

88. 88

Name: Steven R Wood on Nov 22, 2011**Comments:**

89. 89

Name: James K. Anderson on Nov 22, 2011
Comments:

90. 90

Name: Glen W. Holden on Nov 22, 2011
Comments: during rush hour I have walked from Houghton Beach to downtown faster than the cars on the road could drive it.

91. 91

Name: Deborah Miller on Nov 22, 2011
Comments:

92. 92

Name: Rich & Sue Knight on Nov 22, 2011
Comments:

93. 93

Name: Terri Phillips on Nov 22, 2011
Comments:

94. 94

Name: Barbara Groves on Nov 22, 2011
Comments:

95. 95

Name: Gail Powell on Nov 23, 2011
Comments:

96. 96

Name: Amit Fulay on Nov 23, 2011
Comments:

97. 97

Name: Tom Short on Nov 23, 2011
Comments:

98. 98

Name: Marchell Mathes on Nov 23, 2011
Comments:

99. 99

Name: Philipp Schonger on Nov 23, 2011
Comments:

100.100

Name: *Anonymous* on Nov 23, 2011
Comments:

101.101

Name: Lisa Pavlovsky on Nov 23, 2011
Comments:

102.102

Name: *Anonymous* on Nov 23, 2011**Comments:**

103.103

Name: Barry Jepson on Nov 23, 2011**Comments:**

104.104

Name: Barry Jepson on Nov 23, 2011**Comments:**

105.105

Name: Anita Jepson on Nov 23, 2011**Comments:**

106.106

Name: Shannon on Nov 23, 2011**Comments:**

107.107

Name: *Anonymous* on Nov 23, 2011**Comments:**

108.108

Name: Sherri Jaksha on Nov 23, 2011**Comments:** i am very against the building of potala village.

109.109

Name: Nancy Hoppe on Nov 23, 2011**Comments:**

110.110

Name: Dirk Mosa on Nov 23, 2011**Comments:**

111.111

Name: Andrea Mosa on Nov 23, 2011**Comments:**

112.112

Name: Sue Crickmore on Nov 23, 2011**Comments:** Absolutely NOT!!!

113.113

Name: Cary Badger on Nov 23, 2011**Comments:** This project needs to be viewed in totality by the City of Kirkland, not strickly by the zoning laws/rules. There are clear precedents where Kirkland has done this in the greater interest of its vibrant neighborhoods. The City needs to represent the collective interest of its citizens, not just the legal position of it's planning dept.

114.114

Name: Gabriel Miller on Nov 24, 2011**Comments:**

115.115

Name: Amy Mosher on Nov 25, 2011**Comments:**

116.116

Name: Charles Greene on Nov 25, 2011**Comments:**

117.117

Name: Celia A. Pym on Nov 26, 2011**Comments:**

118.118

Name: N. Stewart And Carol Rogers on Nov 26, 2011**Comments:** How could this possibly have passed the strict restrictions in the comprehensive plan?!

119.119

Name: N. Stewart And Carol Rogers on Nov 26, 2011**Comments:** How could this possibly have passed the strict restrictions in the comprehensive plan?!

120.120

Name: N. Stewart And Carol Rogers on Nov 26, 2011**Comments:** How could this possibly have passed the strict restrictions in the comprehensive plan?!

121.121

Name: N. Stewart And Carol Rogers on Nov 26, 2011**Comments:** How could this possibly have passed the strict restrictions in the comprehensive plan?! I do not give out my credit card #. I can write a check.

122.122

Name: George Fouch on Nov 26, 2011**Comments:** There will be families living there. Is there a place for the children to play? Guest Parking? The city moved the bicycle lane; how will that effect street parking in conjunction with safty for the riders. How will the marathons, races etc held 6/7 times per year be effected?

123.123

Name: Robert Gemmell on Nov 26, 2011**Comments:** This project should definitely be modified - lower profile and lower density.

124.124

Name: Robert & Phyllis Gemmell on Nov 26, 2011**Comments:** This project definitely needs modification - make it lower profile and lower density.

125.125

Name: Ellen Yagle on Nov 26, 2011**Comments:**

126.126

Name: Ellen Yagle on Nov 26, 2011**Comments:**

127.127

Name: Darlene Falk on Nov 26, 2011**Comments:** I have lived here since around the time when all our properties were rezoned down and we were given disfavored the stays of legally non-conforming... Unable to rebuild to our current density ... Restricted to 12 per acre if we reconstruct or

have major repairs. I currently find it impossible to get out of our driveway going left and nearly impossible going right. The traffic studies need to be reviewed for accuracy. They don't seem to reflect actual experience.

128.128

Name: Anonymous on Nov 26, 2011

Comments: My wife, Louise, and I consider this project to be the antithesis of Kirkland's culture and style. Traffic on Lake Washington Blvd NE and Lake Street is intolerable during rush hours. Massive developments like Portola Village should be disallowed throughout the core area surrounding downtown Kirkland until additional access routes serve the downtown core and allow for bypass as well. The current streets are inadequate to provide access. We believe that there should be a development moratorium for new development between Market St and Carilon Point.

129.129

Name: Anonymous on Nov 27, 2011

Comments: The increased density caused by this unit in the Lake Washington Blvd area, will lead to grid lock. Traffic is already reaching unacceptable levels and destroying the feel of Kirkland. Even if access is not on Lake Wa Blvd, residents and guests will use the Lake WA Blvd for access and egress.

130.130

Name: Liv Grohn on Nov 27, 2011

Comments: The scope of this project does not meet the directives of the city's comprehensive plan. Review should be made of developer's other projects as well as traffic and parking impact on the Boulevard. Thanks.

131.131

Name: Jack & Christy Arndt on Nov 27, 2011

Comments: We are opposed to the current proposed plan, the project is too large for the area, development does not fit into the surrounding neighbor, will create major traffic problems with a parking garage with 300 spaces, all which will end-up on the blvd. Small businesses in downtown Kirkland will be hurt due to more traffic getting into the city resulting in their customers going elsewhere. Traffic today is a concern compounded with the narrow lanes due to the recent addition of the bike lanes. An accident with the lost of life is a challenge now when driving the blvd. We do not understand why both the council and city planning has allowed this project to get this far down the process. Is there no common sense among the council and planning department? Let's for once do what is right for the citizens of Kirkland and stop this current proposed project.

132.132

Name: Thomas And Carol Armitage on Nov 27, 2011

Comments:

133.133

Name: Charles Loomis on Nov 28, 2011

Comments:

134.134

Name: Julie McAvoy on Nov 28, 2011

Comments:

135.135

Name: Carol Satre on Nov 29, 2011

Comments:

136.136

Name: Jim Engle on Nov 29, 2011

Comments: I support this petition

137.137

Name: Bea Nahon on Nov 29, 2011

Attachment 10s

Comments: The City, the citizens and the developer have an opportunity during this moratorium to work together to find an amicable solution that is consistent with the Comp Plan. The current site begs to be redeveloped - we can do this in a way that is consistent with the Comp Plan and that benefits all concerned if all parties (City, citizens, developer) work together.

138.138

Name: Lee Obrzut on Nov 29, 2011

Comments:

139.139

Name: Daniel Ling on Nov 29, 2011

Comments:

140.140

Name: *Anonymous* on Nov 30, 2011

Comments:

141.141

Name: Bruce Pym on Nov 30, 2011

Comments:

142.142

Name: Wistar Rinearson on Dec 4, 2011

Comments:

143.143

Name: Richard Satre on Dec 6, 2011

Comments:

144.144

Name: Mark & Betty Taylor on Dec 8, 2011

Comments: The Potola Village concept of high density housing is quite inappropriate for the target location on Lake Washington Blvd. We look forward to a more appropriate development at that location.

145.145

Name: P. Schulz on Dec 12, 2011

Comments: Let us all remember why we have chosen to live in Kirkland. Help preserve our beautiful lake front/quaint community/minimize noise and traffic impact.

146.146

Name: Gail Cottle on Dec 12, 2011

Comments: This is too much. The traffic on Lake Street is already choked. Does anyone on the Council live downtown or west of Market to know these added cars will only make matters worse. A no vote please.

147.147

Name: Lydia Geline on Dec 13, 2011

Comments:

148.148

Name: Mark Miller on Dec 13, 2011

Comments: This development will hurt Kirkland, please don't do it.

149.149

Name: Lynn Sanborn on Dec 13, 2011

Comments:

150.150

Name: Richard Chan on Dec 14, 2011

Comments:

151.151

Name: Vafa Fouroohi on Dec 14, 2011

Comments:

152.152

Name: Sandy Anderson on Dec 16, 2011

Comments: Let's use common sense. Our road infrastructure cannot support this project.

Jeremy McMahan

From: Uwkkkg@aol.com
Sent: Wednesday, February 01, 2012 1:55 PM
To: Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Jay Arnold; Janet Jonson
Cc: neighboringproperties@gmail.com; uwkkkg@aol.com
Subject: BN-Res Mkt: Background re: information given to the applicant
Attachments: PRESUB~1.PDF

This is being sent in batches similar to previous documents.

It is being sent to all planning commission and city council members, appropriate city staff, city manager and city attorney as well as neighbors and those neighbor attorneys (as requested)

===

Here is background information on the neighborhood comprehensive plan that was highlighted by the city as to the restrictions on commercial use and density of 12 dwellings per acre south of 7th Ave S.

Also it notes if conflicting provisions, the most restrictive applies

Also the additional forms - Substantial Development Application and the State required Environmental Checklist (for developments greater than 10 units) both have areas that review for consistency with Comprehensive Plan, Compatibility with surrounding properties, etc.

Attached are the areas in each form that seem relevant.

Please advise if you want entire documents or have other questions.

Thanks,
Karen Levenson
415-218-4452



ZONING WORKSHEET

Date: December 3, 2009

Planner: Désirée Goble, AICP, Planner

Case #: PRE09-00072

Property Address: SE corner of Lake Street South and 10th Avenue South

Persons requesting meeting: Charles Morgan, Architect

Applicants' description: "Mixed Use Retail and Apartments"

Tax Assessor's Parcel Number: 935490-0220, 935490-0240 and 082505-9233

Lot Size (according to the Assessor's Records): 52,600 square feet (1.2 acres)

Zone: Neighborhood Business (BN)

Shoreline Master Program: Urban Residential 1 (UR 1). Within this environment the following uses are allowed: Residential, Restaurant/Tavern. A Retail/Office use is **NOT** allowed within this environment at this time.

The property is located within the Moss Bay Neighborhood. Attached is a copy of the Neighborhood plan that specifically applies to the subject property

Applicant Questions:

1. What are the side and rear setbacks?

Answer: North and West property lines are regulated as side yards.

2. Can parking be in front yard setback?

Answer: No. This area is within shorelines jurisdiction. Once you are out of shoreline jurisdiction you will need to comply with the Zoning Code – see Kirkland Zoning Code Section (KZC)

115.115.5.c

3. With step in building due to uphill grade of site will comm'l have to be in uphill portion of ground floor (see Section "A-A")?

Answer: Section "A-A" should reference KZC section 40.08.4. KZC section 5.10.345 defines ground floor as "The floor of a structure that is closest in elevation to the finished grade along the facade of the structure that is principally oriented to the street which provides primary access to the subject property." Therefore, you will need to provide 75 percent of the ground floor with an allowed retail establishment, restaurant, tavern, or office use. Lake Street South is classified an arterial but 10th Avenue South is classified as a neighborhood access road.

4. Need clarification of story height calculations are right.

Answer: Please explain your question more fully.

5. Will additional access be required for fire trucks?

Answer: This issue will be addressed by the Fire Department.

6. Can part of required open space be on roof?

Answer: Please explain your question more fully.

7. How will storm drainage be handled?

Answer: This issue will be addressed by the Public Works Department.

8. Will additional land have to be dedicated for widening of Lake Street?

Answer: This issue will be addressed by the Public Works Department.

9. What is required amount of parking for mixed use building?

NOTE:

The information related by the City staff is a preliminary, qualified assessment which is based on the information provided by the applicant/contact person. More detailed technical review of a specific development permit application may disclose additional substantive or procedural requirements. Furthermore, in the case of a discretionary development permit, the role and authority of the City staff is advisory only. Final recommendation and decision on such permits can only be made, after public comment and/or public hearing, by the Planning Director (as to Short Plats and Zoning Code Process I Permits), the Hearing Examiner, or the Planning Commission and City Council, depending upon the type of permit.

Note that the applicant is told that the specific property has restrictions in the neighborhood comp plan. The city also attached these see: page 141 & 2

Answer: You will need to provide

- 2.2 parking spaces per dwelling unit (1.7 per unit plus 0.5 per unit for guest parking)
- If a medical, dental or veterinary office, then one per each 200 sq. ft. of gross floor area. Otherwise one per each 300 sq. ft. of gross floor area.
- Retail 1 per each 300 sq. ft. of gross floor area.
- Restaurant/Taverns 1 per each 100 sq. ft. of gross floor area.

Potential Issues/Code Requirements:

1. The subject property is partially located within shoreline jurisdiction. Any party of the property that is located within 200 feet of Lake Washington falls under shorelines jurisdiction. See the attached map for a highly generalized idea of the limits of shorelines jurisdiction. Any feature located within this area must comply with the adopted [shoreline master program](#) (SMP). This plan is currently going through an update process. Here is a link to the [Shoreline Master Program Update](#) web page that was set up to keep people informed. The SMP Update has been approved by the City Council, is going to Houghton Community Council and then will have to be reviewed and approved by Department of Ecology before it goes into effect. We hope to have this update approved and in effect before the middle of next year.
2. Parking within shoreline jurisdiction is regulated KMC 24.05.130(c) states the following: Design and Layout. Parking layouts must be designed efficiently to use the minimum amount of space necessary to provide the required parking and safe and reasonable access. Wherever possible, parking should be located out of the shoreline area and should not be located between the building or buildings on the subject property and Lake Washington. Exterior parking areas, other than for detached dwelling units, must be attractively landscaped with vegetation that will not obstruct views of the lake from the public right-of-way. (Ord. 3153 § 1 (part), 1989; Ord. 2938 § 1 (part), 1986)
3. [KMC 24.05.155](#) regulates restaurant/tavern uses within shorelines jurisdiction.
4. You will need to keep in mind when ever there is a conflict between regulations the most restrictive provision applies.
5. The property is located within the BN zone. You will need to comply with all requirements found on the use zone charts (setbacks, lot coverage, height, etc.) as well as requirements found in other sections of the code such as (vegetation management, signage, parking, required public improvements, and miscellaneous requirements).
6. You have not shown how you will meet the requirements of Chapter 95, titled Tree Management and Required Landscaping. I have included a copy of the aerial map that identifies the surround uses – this map is located just before the Chapter 95 section of the attachments.

Based on the information provided the following Planning Department fees will apply:

- Substantial Development Permit.... \$4,473
- Environmental Checklist..... \$552 + fee based on estimated number of PM peak trips
- Concurrency Fee..... is based on the number of peak trips
- Park Impact Fee..... \$2,515 is based on the number of attached/stacked units

Provided copies of the following information:

- Zoning Code Section(s) 40.05 & 40.10
- Zoning Code Chapters 95, 100, 105, 110, 115,
- Kirkland Municipal Code Titles 29
- Moss Bay Neighborhood Plan – Applicable sections
- Shoreline Permit Application Packet
- Environmental Checklist

The applicant is told during presubmittal that where there are conflicts the most restrictive provision applies

The neighborhood plan portions were provided and the city highlighted important sections in yellow

SDP requests info on consistency with Comprehensive Plan. The Application was provided to applicant which he later signed

The Environmental Checklist has the applicant and the city review for Comprehensive Plan compatibility, Surrounding properties and Land Use

XV.D. MOSS BAY NEIGHBORHOOD

4. PERIMETER AREAS

setbacks from the ravine on the north side of these lots.

- (5) No vehicular connection should be established between State Street and 5th Place South or 6th Street South from 2nd or 3rd Avenue South.
- (6) No vehicular connection should be established between 2nd and 3rd Avenue South.
- (7) Pedestrian connection should be provided in lieu of vehicular connection.
- (8) A maximum Floor Area Ratio of 65 percent should be allowed in order to encourage smaller and presumably less expensive homes.

A density of 12 dwelling units per acre is also designated for properties along State Street, south of Planned Area 6 (Figure MB-2). This designation is consistent with densities of existing development as well as with densities permitted along State Street to the north and south. Lands on the east side of Lake Washington Boulevard, south of 7th Avenue South and west of the midblock between First and Second Streets South, are also appropriate for multifamily uses at a density of 12 dwelling units per acre. This designation is consistent with permitted densities to the north and south along Lake Washington Boulevard.

The area situated east of the midblock between First and Second Streets South, west of the midblock between State Street and Second Place South, and south of 7th Avenue South, contains a well-established enclave of single-family homes. Existing development in this area should be preserved.

As discussed in the Shoreline Master Program, residential uses should continue to be permitted along the shoreline at medium densities (12 dwelling units per acre). This is consistent with the density of development along the shoreline to the south and on many properties on the east side of Lake Street South.

Development along the shoreline is discussed.

As specified in the Shoreline Master Program, new residential structures constructed waterward of the high water line are not permitted. Additional standards governing new multifamily development can be found in the Shoreline Master Program.

B. ECONOMIC ACTIVITIES

Economic Activities in the Moss Bay Neighborhood occur primarily in the Downtown area, and in Planned Areas 5 and 6. The boundaries of these three major activity areas are shown in Figure MB-2.

Economic Activities in Planned Area 5 are discussed.

While Planned Area 5 has been developed largely in multifamily uses, several offices – including the United States Post Office – serving the Greater Kirkland area, are located in this planned area. Land use in Planned Area 5 is discussed in greater detail in the Living Environment section of this chapter.

Limited economic activities presently exist in State Street area.

Although the character of Planned Area 6 is predominantly residential, several economic activities are presently located in the area. Small offices and some commercial uses exist along Lake Street South and along State Street, and industrial development has occurred near the railroad. The Living Environment Section of this chapter contains a more in-depth discussion of land use in Planned Area 6.

This highlight is also in the Materials given to Applicant file and also appears that staff highlighted it to make sure it was not missed by Mr Dargey and his staff

This highlight is in the city records and appears to have been placed there by staff to make sure that Mr Dargey and/or his staff saw this...

Yellow was done by city...

NOTE: This highlight is in the city files with Materials given to applicant. It appears this information including issues re: ingress and egress were intentionally highlighted by staff so that Mr Dargey and his staff would be aware of the limits on commercial use

MOSS BAY NEIGHBORHOOD PERIMETER AREAS

Land on the east side of Lake Street South is generally not suitable for commercial development.

Most of the land on the east side of Lake Street South appears to be unsuitable for commercial use because of steep slope conditions, as well as problems concerning vehicular ingress and egress. The southeast quadrant of the 10th Street South and Lake Street intersection, however, is developed with a market which serves as a convenience to the surrounding residences. Limited commercial use of this location, therefore, should be allowed to remain.

Industrial activities east of the railroad tracks described.

The strip of land located east of the railroad tracks, south of Central Way and west of Kirkland Way, contains an existing light industrial use. While the area's proximity to I-405 and NE 85th Street makes it attractive for commercial development, the area is also near residential uses, and should be subject to greater restrictions than other industrial areas. Buildings should be well screened by a landscaped buffer, and loading and outdoor storage areas should be located away from residential areas. In addition, the number and size of signs should be strictly limited, with only wall- and ground-mounted signs permitted. Pole signs, such as the one currently located in this gateway area, are inappropriate. Finally, it is noted in the Everest Neighborhood Plan that there is a major territorial view at the intersection of NE 85th Street and Kirkland Way. This view of Lake Washington, Seattle, the Olympic Mountains and Downtown Kirkland falls over property in this area.

C. PLANNED AREA 5

High-density residential and office uses permitted in Planned Area 5.

The eastern portion of the Moss Bay Neighborhood has been designated as Planned Area 5. Due to topographic conditions and circulation patterns, land in Planned Area 5 is relatively secluded. The area has been designated for high-density residential and office uses because of the ability to buffer such high-density development from other uses in the area. The area is developed primarily in high-density residential development while limited office uses exist in the northwestern portion of the area. This planned area is divided into five subareas, based on the unique conditions for development within each area.

Central A Subarea

The Central A subarea of PLA 5 should be permitted to develop with high-density residential uses (up to 24 dwellings/acre).

West B Subarea

The southern portion of Subarea B is adjacent to 6th Street and the entire subarea is south of 4th Avenue. Subarea B is heavily impacted by traffic, as well as existing and future commercial uses and offices to the west. The noise and traffic make this area inappropriate for single-family use, while its ease of access and proximity to the Downtown makes it appropriate for both offices and multifamily uses at a density of up to 24 dwelling units per acre. New development in this subarea should minimize access points directly onto 6th Street. Access for offices, however, should be provided exclusively from 6th Street or 4th Avenue and precluded from Kirkland Way. Structures should be limited to three stories in height.

Environmental (SEPA) Checklist

Page 10 of 15

b. Noise

- 1) What types of noise exist in the area which may effect your project (for example: traffic, equipment, operation, other)?

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

- 3) Proposed measures to reduce or control noise impacts, if any:

8. **Land and Shoreline Use**

- a. **What is the current use of the site and adjacent properties?**

- b. Has the site been used for agriculture? If so, describe.

- c. Describe any structures on the site.

- d. Will any structures be demolished? If so, what?

EVALUATION FOR AGENCY USE ONLY

<p>The first column is for the applicant to fill out and second column is for city to add additional information... e.g. surrounding single family homes and low/med density RM 3.6</p>

Environmental (SEPA) Checklist

- e. What is the current zoning classification of the site?
- f. What is the current comprehensive plan designation of the site?
- g. If applicable, what is the current shoreline master program designation of the site?
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
- i. Approximately how many people would reside or work in the completed project?
- j. Approximately how many people would the completed project displace?
- k. Proposed measures to avoid or reduce displacement impacts, if any:
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

EVALUATION FOR AGENCY USE ONLY

gain the first column gets filled out by the applicant with additional information added by the lead agency in this column



CITY OF KIRKLAND
PLANNING & COMMUNITY DEVELOPMENT
123 5th Avenue, Kirkland, WA 98033 425.587.3225
www.ci.kirkland.wa.us

**SUBSTANTIAL DEVELOPMENT PERMIT, SHORELINE VARIANCE
AND SHORELINE CONDITIONAL USE PERMIT**

This permit application packet is designed to obtain all the information necessary to allow the City to make a well-informed decision on your application. Please refer to the attached application checklist to determine the materials which must be submitted to complete your application. All application materials are public information.

Your application will be evaluated on the basis of the information you provide, the criteria listed in the pertinent sections of the Zoning Code, the Kirkland Comprehensive Plan, other City regulatory ordinances, inspection of the property, as well as testimony and evidence presented through public comments.

YOU ARE ENCOURAGED TO MEET WITH A PLANNER FROM THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT PRIOR TO AND DURING PROJECT DESIGN TO DISCUSS PROJECT COMPLIANCE WITH CITY REGULATIONS AND TO OBTAIN GUIDANCE ON THE APPLICATION MATERIALS YOU MUST SUBMIT.

Copies of City ordinances such as the Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, and Shoreline Master Program are available at the Department of Community Development in City Hall, 123 Fifth Avenue; and the Kirkland Public Library, 308 Kirkland Avenue. To purchase the Comprehensive Plan or Zoning Ordinance, call Code Publishing Company at (206) 527 6851. The City ordinances can also be found on-line at www.ci.kirkland.wa.us.

NOTE: Information provided by the Department of Planning and Community Development represents a preliminary, qualified assessment which is based on the information provided by the applicant/contact person. More detailed technical review of a specific development permit application may disclose additional substantive or procedural requirements. Furthermore, in the case of a discretionary development permit, the role and the authority of the Department of Planning and Community Development staff is advisory only. Final recommendation and decision on such permits can only be made, after public hearing, by the Planning Director, Hearing Examiner, Planning Commission, and/or City Council, depending upon the type of permit.