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January 3, 2008

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**Attention: Design Review Board Chair Jeff Bates, Vice Chair Stephen Cox, and members Carter Bagg, Brian Berg, Todd Kilburn, Kevin Oremus, and Phyllis Warman.**

**Re: Meetings on December 17, 2007 and January 7, 2008**

When we recently attended the December meeting, a number of concerns surfaced. We came away with some very serious questions about the Board's interpretation of the zoning codes, their degree of impartiality, and the Design Review Board's apparent insensitivity to the citizen's vision of our core downtown area. We want to emphasize these six points:

1. The Design Review Board is operating in a substantial vacuum with little to no citizen input or lay perspective;
2. The Design Review Board does not appear to challenge or even examine the logic, aesthetic appeal, height, scale, and size issues that are a constant part of Kirkland's citizen (and visitor) dialogue;
3. The Design Review Board appears to be operating with an overwhelming bias coming from the professional backgrounds whose assumptions seem dominant – that of careers in one or another of the fields involved in development;
4. The Design Review Board has the appearance of presuming that high density development of the downtown core area is a necessary and or a given; and that exemptions and exceptions upon exemptions and exceptions are '*normal*' and not to be challenged;
5. The Design Review Board is not sensitive to the long-term implications from the cumulative 'creeping' impact as they grant exceptions and exemptions creating a situation that quickly and permanently dismantles and even destroys the character and charm that the citizens of Kirkland (and its visitors) have so long cherished.
6. And, we are very dismayed that the Design Review Board has recently ignored over five dozen letters from involved, caring citizens, and continuing to isolate themselves while they guarantee that they are alienating citizens who care;

Kindly confirm the date and time of the receipt of this letter. Thank you.

Diane W. DeWitt

Curtis L. Thompson

ORIGINAL

ATTACHMENT	1
ZON07-00016	
DRB	2/4/08

**DAVIDSON, CZEISLER &  
KILPATRIC, P.S.**

LAWYERS

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January 25, 2008

Design Review Board  
City of Kirkland  
123 - 5<sup>th</sup> Avenue  
Kirkland, WA 98033

Re: Park Place Private Amendment Request  
File No. ZON07-00016

Dear Board Members:

You are being asked to provide recommendations to the Planning Commission on some very major changes to the Comprehensive Plan. The Comprehensive Plan for the Downtown was crafted through a long public process which involved many hearings and workshops. It was modified in 2001 through another lengthy process which garnered input from residents, the business community, consultants retained by the City and property owners. I participated in the many stages of development of the Downtown Comprehensive Plan and am confident that it reflects the vision and consensus of this community about the principles which should guide future redevelopment of the Downtown. Nothing put forth by the new owners of Park Place provides any reason for abandoning those principles and vision. They offer no public benefit for the considerable compromises they request in the Comprehensive Plan and zoning code. Therefore, we request that you recommend to the Planning Commission that their Private Amendment request be denied.

To carry out the project they have described, the new owners of Park Place must receive approval of changes in the Comprehensive Plan and zoning code to: (1) increase building heights to 8 stories, (2) eliminate all setbacks from Peter Kirk Park and Central Way, (3) waive or modify parking requirements and (4) measure building height from the highest point on the property. In addition, the current design guidelines in the Comprehensive Plan for the Downtown must be completely re-written.

The following design principles in the Comprehensive Plan are inconsistent with the Park Place proposal and would have to be eliminated or re-written:

**1. Public Open Spaces and The Sense of Openness.** The Comprehensive Plan states that public open spaces "are an important component of the pedestrian environment" and calls for the promotion of public spaces. The Comprehensive Plan notes in particular the sense of openness in Design District 5 (CBD-5 in the zoning code) and states:

*Placement, size and orientation of new structures in this district should be carefully considered to preserve this sense of openness.*

ATTACHMENT <u>2</u>
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These principles are reflected in the zoning code which imposes an 80% lot coverage limitation and 20-foot front yard requirements in CBD-5.

The proposed project contains no sense of openness. There is minimum separation between buildings to allow for roads and sidewalks. Indeed, the pedestrian path between the two buildings in the northeast corner of the property is not open, but covered and may even be fully enclosed. The only public space is a small plaza, which, as one of you pointed out, simply appears to be a space left over after all the buildings were sited. Moreover, it is surrounded by roads and tall buildings. Will it even get any sunlight?

**2. Modulation of Building Heights.** The Comprehensive Plan envisions that the buildings in Design District 5 will step back from the Park and from the major pedestrian corridors to add to the sense of openness and the pedestrian experience. It states:

*Within the district, massing should generally be lower toward the perimeter and step up toward the center. Facades facing Central Way, Kirkland Way and Peter Kirk Park should be limited to between two and three stories, with taller portions of the building stepped back significantly. Buildings over three stories in height should generally reduce building mass above the third story.*

The proposal contains five 8-story buildings and one 6-story building, none of which contain any modulation. Only one 8-story building offers any modulation.

**3. Public Views.** One of the urban design assets the Comprehensive Plan identifies is the city's visual landmarks and public views, which should be preserved. Relevant to Park Place, it states:

*One of the views most often associated with Downtown Kirkland is from the eastern gateway, where Central Way meets 6<sup>th</sup> Street. From this vantage point, the hills north and south of the core area form a frame for a sweeping view of Lake Washington in the distance and the Olympic mountain range beyond.*

The lack of front yards on Central Way and modulation of building heights in the proposed project, as well as the 8-story heights, will significantly reduce this public view.

**4. Gateways.** The Comprehensive Plan notes the importance of gateways into the downtown and identifies Central Way as one of the three major gateways into the downtown and one with particular visual appeal. The Central Way gateway under this proposal would be a wall of 8-

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story office buildings built to the edge of the right-of-way, which is quite different than a gateway built under current setback and design criteria.

**5. The Pedestrian Experience.** The Comprehensive Plan describes at length the importance of the pedestrian experience in the downtown, and states:

*The size and scale of Downtown Kirkland make walking a convenient and attractive activity. An extensive network of pedestrian pathways covers the Downtown area, linking residential, recreational and commercial areas. Downtown Kirkland is a pedestrian precinct unlike virtually any other in the region. It is almost European in its scale and quality.*

The Comprehensive Plan calls for future developments to enhance the pedestrian pathways by “improving the directness and ease of pedestrian routes.” It gives pedestrian routes equal priority to vehicular routes in the Downtown. The pedestrian routes are intended to interconnect the entire Downtown. It stresses the importance of the pedestrian routes in planning future development by stating:

*The establishment and improvement of pedestrian pathways between activity centers should be a high priority policy objective. Major pedestrian routes within the Downtown area are identified in Figure C-4. Major pathways include the extensive east-west “spine” or “Park Walk Promenade,” which links the lake with points east of 6<sup>th</sup> Street and the shoreline access trail.*

As the attached maps from the Comprehensive Plan show, two major pedestrian pathways are planned through Design District 5, which will allow pedestrians from within the District and east of the District access to the “Park Walk Promenade” and the rest of the Downtown. One of these pathways was constructed as a requirement of development of other properties in CBD-5, which includes sidewalks on 2<sup>nd</sup> Avenue and on public easements through the Continental Plaza and Emerald Building properties. The redevelopment proposal would run that pedestrian pathway into the back of an 8-story building and then along a service road. Indeed, the pedestrian experience in the proposal would simply be street-side sidewalks next to tall buildings and pathways in the 25 to 50 foot gaps between 8-story buildings. Such is not the European quality pedestrian experience contemplated in the current Comprehensive Plan.

**6. Human Scale and Hometown Setting.** The Comprehensive Plan acknowledges importance of human scale and the community identity of the Downtown. Indeed, its Vision Statement states:

*Future growth and developments of the Downtown must recognize its unique identity, complement ongoing civic activities, clarify Downtown's natural*

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*physical setting, enhance the open space network and add pedestrian amenities. These qualities will be encouraged by attracting economic development that emphasizes diversity and quality within a hometown setting of human scale. [emphasis added]*

The six 8-story buildings and one 6-story building in the Park Place proposal are packed closely together in a corporate campus configuration and most certainly does not represent a "development that emphasizes diversity and quality within a hometown setting of human scale."

If these design principles are abandoned for the 11 acres owned by the Touchstone group, why should they not be abandoned for the rest of the Downtown? The Downtown Plan is an integrated plan for all parts of the Downtown. All parts are interrelated. The principles governing the development of one property should not be changed without considering its impact on all properties and the overall development of the Downtown.

Fortunately, it is not necessary to change these design principles or any other provisions of the Comprehensive Plan to accommodate a redevelopment of Park Place and substantial economic development. The City has determined for purposes of the environmental impact statement for the proposed changes to the Comprehensive Plan that 838,700 square feet of office and retail space can be developed on the site under current zoning as the "no action alternative" to the Private Amendment request. In other words, Park Place could be developed with nearly 600,000 square feet of additional office space without any change in the Comprehensive Plan. To put that in perspective, the 24-story Skyline Tower in Bellevue contains 400,000 square feet. Kirkland could add 1.5 times the office space in Skyline Tower in a Park Place redevelopment under the current code. Such a project would increase the general office inventory in Kirkland by nearly 50%. It would be a very large project and significant addition to the Kirkland economy. We could support such a project, if done well.

However, the current proposal seeks to build a 1.8 million square foot project -- 1 million square feet more than current zoning allows. It would require enormous compromises in the design principles and vision for the downtown and impose large negative impacts on traffic and parking throughout the downtown -- all without any offsetting benefit to the public. As design professionals, you can no doubt see through the pretty pictures and euphemisms and recognize that this proposal is for a corporate campus-style office park, which maximizes rentable square feet, but which does not relate to the rest of the Downtown or the vision Kirkland residents have for their community.

The Comprehensive Plan sets forth the long term vision for the City of Kirkland and in this case for its Downtown and should not be brushed aside just because a particular landowner or developer has some other vision for his property. Our zoning code at Section 140.30 requires that any amendment to the Comprehensive Plan must not conflict with other provisions of the Plan and must "result in long term benefits to the community as a whole." Touchstone's requested amendment would conflict with design principles in the Comprehensive Plan, as discussed above,

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and would create traffic and parking problems, not benefits, for the community. Simply put, the changes requested by Park Place do not meet the standards for a Comprehensive Plan amendment.

We call on you to recommend to the Planning Commission that the Park Place private amendment request be denied.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Kenneth H. Davidson", is written over the typed name below.

Kenneth H. Davidson

KHD:akt

KHD/1748.14/Design Review.Board.1.24.08.let

XV.D. MOSS BAY NEIGHBORHOOD  
**3. DOWNTOWN PLAN**

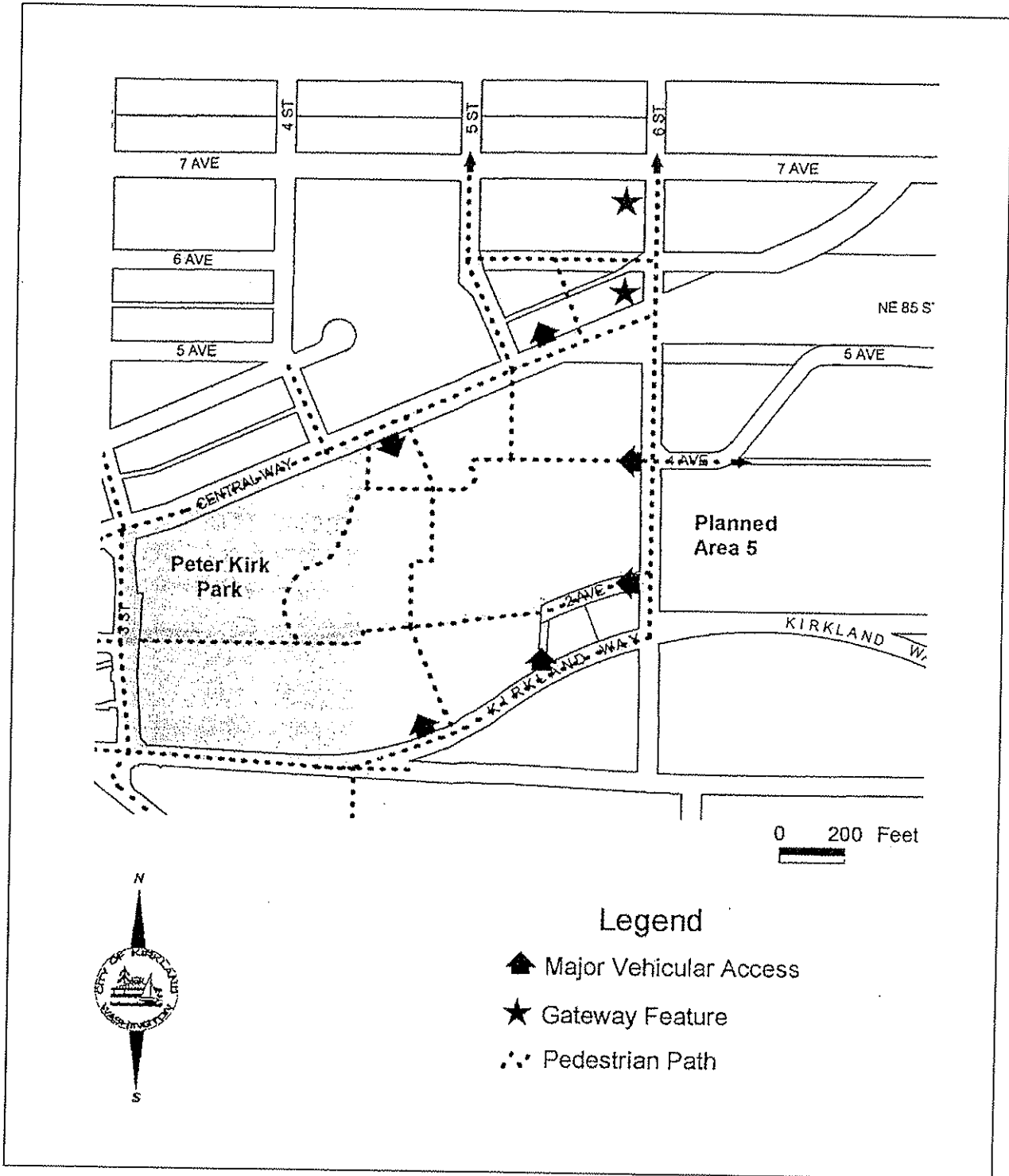
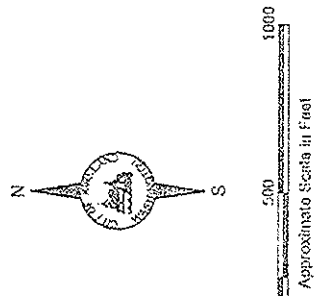
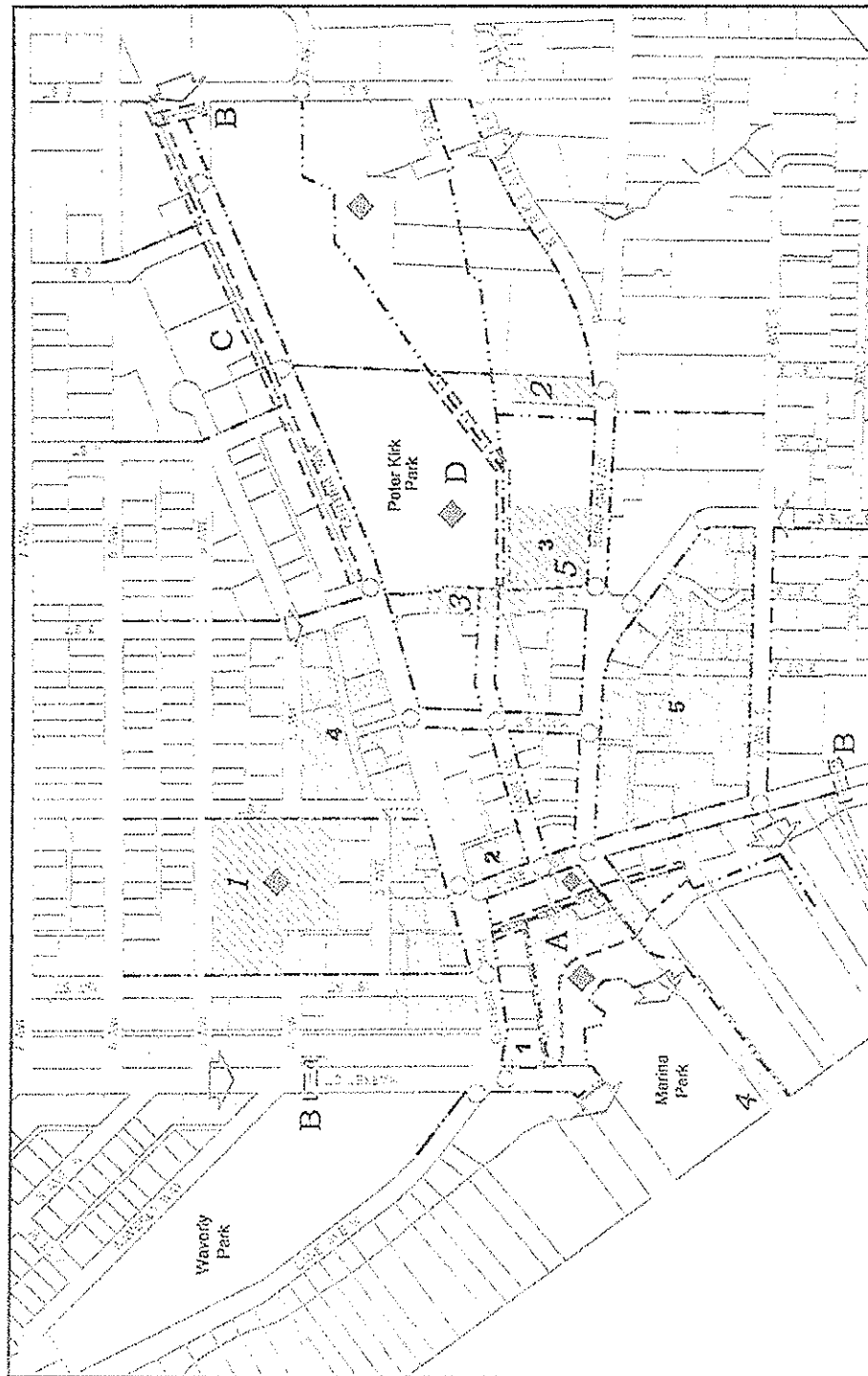


Figure C-6: Design Districts 5 and 6 - Circulation and Gateways



- |                                    |  |                       |                            |
|------------------------------------|--|-----------------------|----------------------------|
| <b>Major Public Facility</b>       | <b>Proposed Public/Private Project</b> | <b>Public Parking</b> | <b>Urban Design Assets</b> |
| 1 City Hall                        | A Lakeside Plaza                       | 1 Lakeside Plaza Site | View                       |
| 2 Performance Center/Senior Center | B Gateway Improvements                 | 2 Park Lane Site      | Gateway                    |
| 3 Transit Center                   | C Central Way Underpass                | 3 Peter Kirk Site     | Terraced                   |
| 4 Four Leaf Park                   | D Park Way Improvements                | 4 North Steps         | Local                      |
| 5 Library                          |  | 5 South Steps         | Visual Landmarks           |
|                                    |  |                       | Major                      |
|                                    |  |                       | Minor                      |
|                                    |  |                       | Major Pedestrian Route     |
|                                    |  |                       | Major Crosswalk            |

**Figure C-4: Downtown Master Plan**