

Jeremy McMahan

From: Uwkkg@aol.com
Sent: Thursday, January 26, 2012 10:33 AM
To: Uwkkg@aol.com; Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Jay Arnold; Janet Jonson
Cc: neighboringproperties@gmail.com
Subject: Re: 7 of 7: Planning Commission: Historical Legal re BN Res Mkt implementing ...
Attachments: NO7HIS~1.PDF

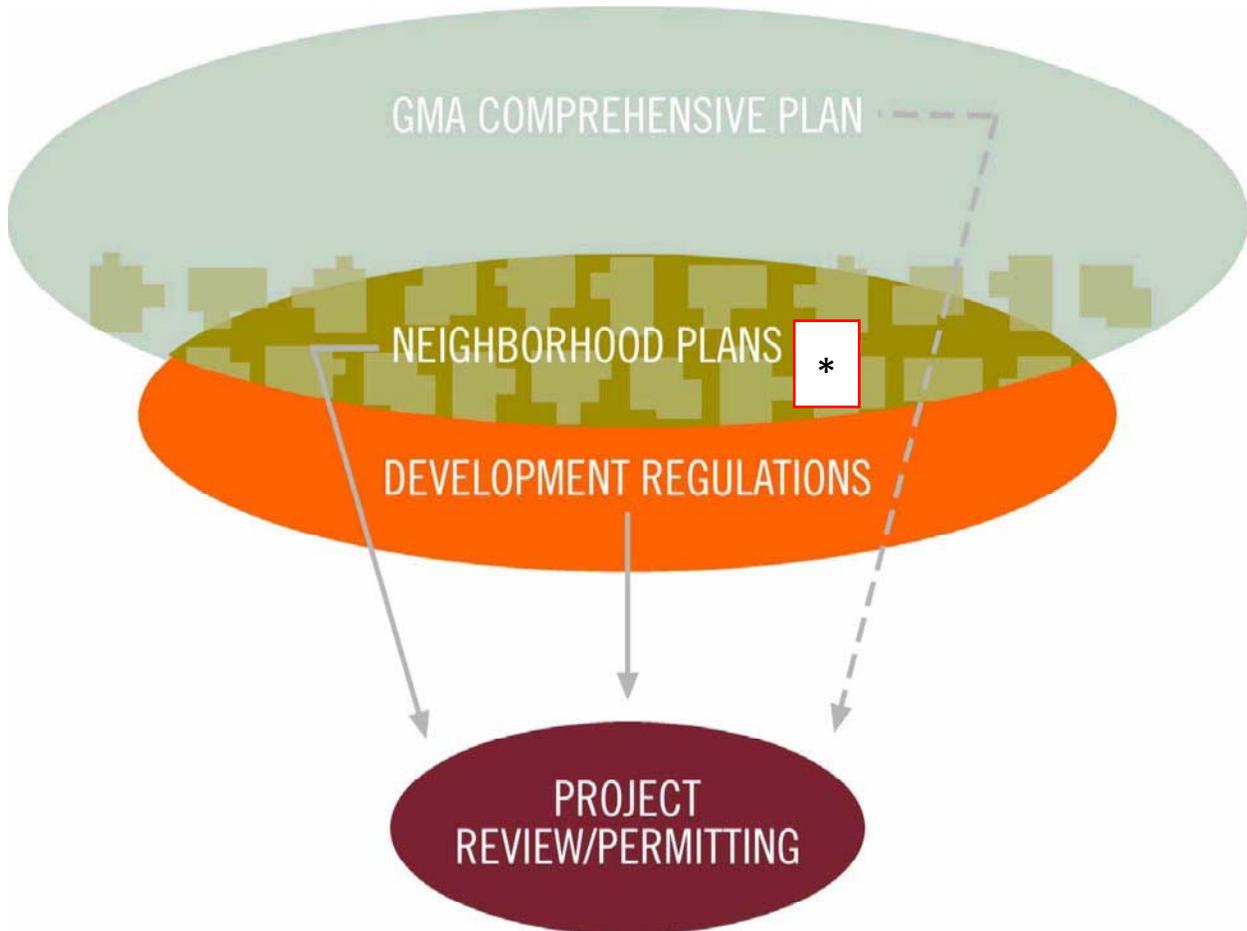
Here's the 7th of 7 attachments. I hope you are finding them quick to review.

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

12. GMA 101 - Existing Land Use Planning and Regulatory Framework

EXISTING LAND USE PLANNING AND REGULATORY FRAMEWORK



The decision-making regime under GMA is a cascading hierarchy of substantive and directive policy, **flowing first from the planning goals, to the comprehensive plans / neighborhood plans**, 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.~~



Development Regulations need to be revised to implement the CP

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 McMahan

From: Uwkkkg@aol.com
Sent: Thursday, January 26, 2012 10:35 AM
To: Uwkkkg@aol.com; Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan; Jay Arnold; Janet Jonson; Joan McBride; Doreen Marchione; Bob Sternoff; Penny Sweet; Toby Nixon; Amy Walen; Dave Asher
Cc: uwkkkg@aol.com; neighboringproperties@gmail.com
Subject: Applicant & neighbor info: Historical Legal: BN 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 presubmittal 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 12 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 robust petition, plus at least 3 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,
Karen Levenson
415-218-4452

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.

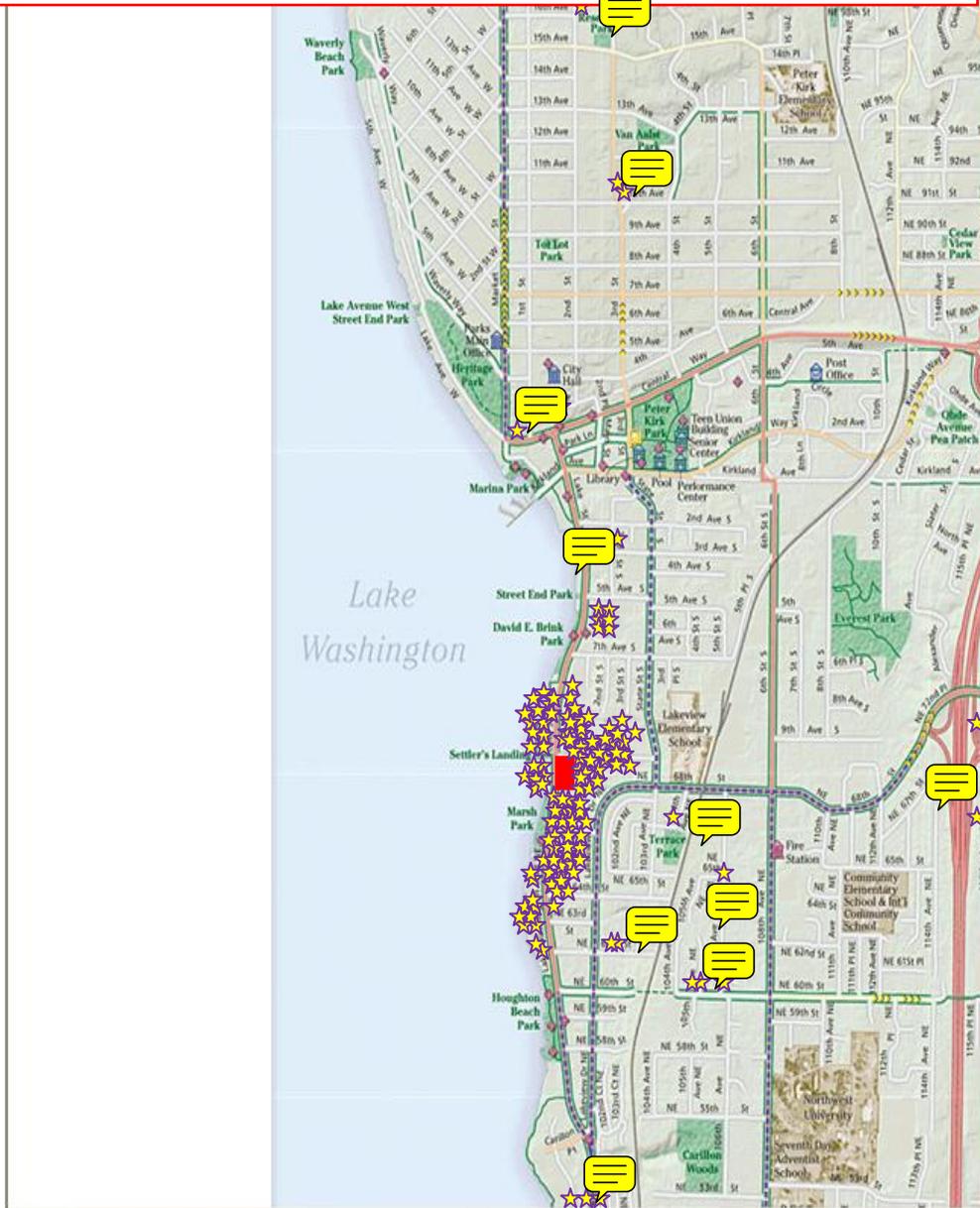
Hopefully this information is helpful to you.

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 Amdt 6424 LWB #33 HOA Board,
 Christy Amdt 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 Bratlien 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 Handal? (79), Glen Holden 6201 LWB #204 Pebble Beach HOA,
 Nancy Hoppe? (109), Anita Jepson 6013 105th Ave NE,
 Barry Jepson 6013 105th Ave NE,
 Sherri 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 Handal?(79),
 Karen Mannering 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)

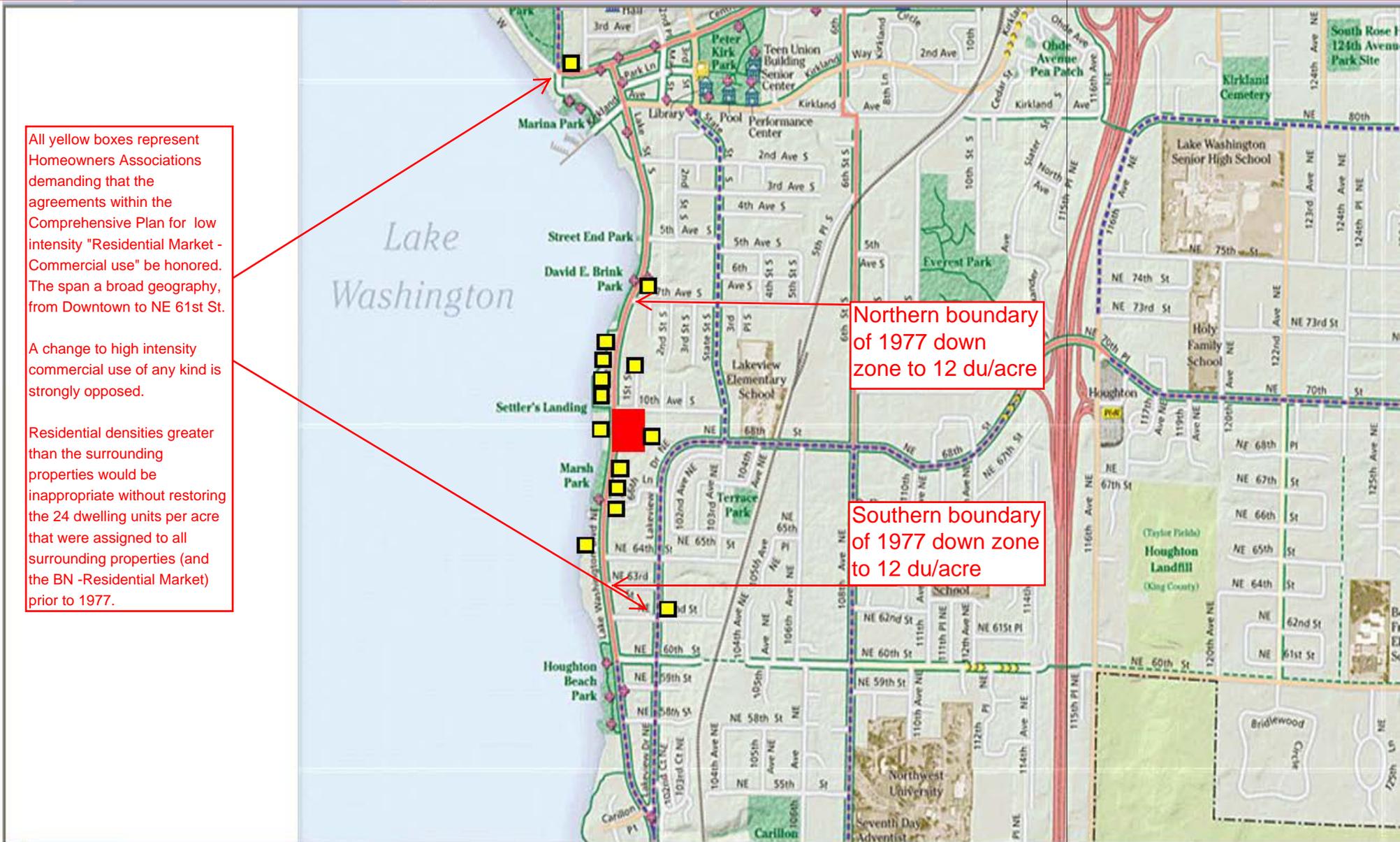
All yellow boxes represent Homeowners Associations demanding that the agreements within the Comprehensive Plan for low intensity "Residential Market - Commercial use" be honored. The span a broad geography, from Downtown to NE 61st St.

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?

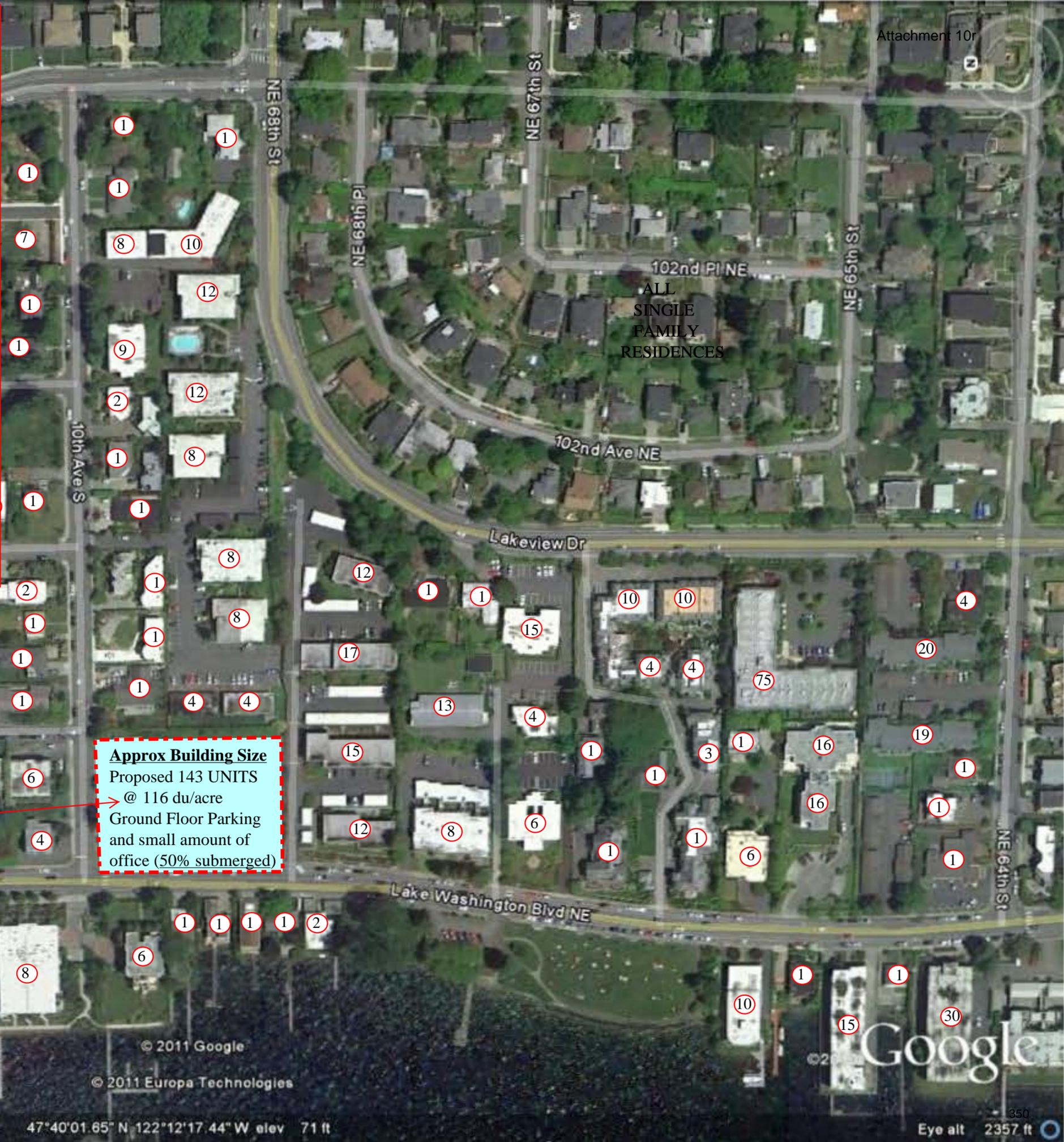
"Residential scale and design are critical to integrate these uses into the residential area."

- 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



ALL SINGLE FAMILY RESIDENCES

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

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

Jeremy McMahan

From: Eric Shields
Sent: Monday, January 09, 2012 2:16 PM
To: Planning Commissioners
Cc: 'Uwkk@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: Uwkk@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, 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: Uwkkkg@aol.com
To: ktriplett@kirklandwa.gov, jjonson@kirklandwa.gov, rjenkinson@kirklandwa.gov
BCC: uwkkkg@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: Monday, January 09, 2012 2:16 PM
To: Planning Commissioners
Cc: 'Uwkk@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: Uwkk@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: Uwkgg@aol.com
Sent: Wednesday, February 01, 2012 1:08 PM
To: Jeremy McMahan
Cc: uwkgg@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,

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: Potlatch 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

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

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 Fourroohi 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 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

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.

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 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

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

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.

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. 

- 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

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

Environmental (SEPA) Checklist

- e. What is the current zoning classification of the site?

- f. ?

- 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

Again, 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.

From: Uwkkg@aol.com [mailto:Uwkkg@aol.com]

Sent: Friday, November 18, 2011 7:14 PM

To: Planning Commissioners

Cc: uwkkg@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: Uwkkkg@aol.com
To: ktriplett@kirklandwa.gov, jjonson@kirklandwa.gov, rjenkinson@kirklandwa.gov
BCC: uwkkkg@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: Uwkkkg@aol.com
Sent: Friday, February 17, 2012 9:25 AM
To: Andrew Held; Byron Katsuyama; C Ray Allshouse; Eric Shields; George Pressley; Glenn Peterson; Jay Arnold; Jon Pascal; Karen Tennyson; Mike Miller; Paul Stewart; Kurt Triplett; tennysonKK@aol.com; Jeremy McMahan
Cc: uwkkkg@aol.com; neighboringproperties@gmail.com
Subject: Planning Commission - BN Step 2

Good morning commissioners... (question for you... below):

Since we are on to step 2 ("*Does the BN zone implement Plan for the BN subareas*"), the neighbor group steering committee will meet Monday night to come to consensus (or majority suggestion) on each development standard as it might be used to implement the plan for BN-Residential Market.

We will be providing preferred implementation strategies, and we'll also provide analysis as to why each suggestion makes sense in the context of other city decisions, etc. This will be the work of about 10 neighbors who have been given proxy by approximately 250-300 participating neighbors and other Kirkland citizens. Regular input has been solicited from all those participating since last March/April and we will be reaching out to all participants prior to the steering committee meeting.

We have one question for you as commissioners:

- Could you look over the City's list below and see if there is anything else that you'd like us to review?

We will also be asking for a few additional Development Standards to be considered:

- 1) Ground floor retail height,
- 2) Street level vs. submerged 1st floor,
- 3) Defining parking: Res Use?, Comm Use?, Separate out as Pkg? How to count shared pkg?
- 4) Clarification re: what is meant by corner lots needing "2 front yards,"
- 5) Allowable or not allowed items in the setbacks

===== STEP 2: From Kirkland Planning Dept Slides (below) =====

Step 2. Does the BN zone implement Plan for the BN subareas?

Are different/additional development standards needed?

- Maximum Residential Density
- Maximum Height
- Required Yards
- Lot Coverage
- Maximum Size for Retail Uses
- Minimum or Maximum Commercial Floor Area Requirements
- Review Process

Thanks,
Karen Levenson

Jeremy McMahan

From: Uwkg@aol.com
Sent: Wednesday, February 22, 2012 11:20 AM
To: Uwkg@aol.com; Jeremy McMahan; Andrew Held; Byron Katsuyama; C Ray Allshouse; Eric Shields; George Pressley; Glenn Peterson; Jay Arnold; Jon Pascal; Karen Tennyson; Mike Miller; Paul Stewart; tennysonKK@aol.com; Robin Jenkinson; Eric Shields; Kurt Triplett
Cc: neighboringproperties@gmail.com; uwkg@aol.com
Subject: Re: BN Zoning - Meeting of Neighbor "steering committee" and alignment zoning...

Some of you may find that a red underline in page two looks like it crosses out a highlighted row... It was supposed to be an underline. The sentence that is important is that the BN-Residential Market is supposed to be lower on the hierarchy of intensity for commercial uses (lower than BN(1)-Neighborhood Ctr). For this reason we feel that a starting point is that all the protections provided to the BN(1) should also be applied to the BN-Res Mkt ... then steps should be taken to implement the fact that Res Mkts should be one "notch" lower in intensity.

Sorry for the poor transmission of that area of the document. Please let me know if there are other areas that didn't transmit well....

Or if you have questions...

Karen Levenson
415-218-4452

In a message dated 2/22/2012 1:55:56 P.M. Eastern Standard Time, Uwkg@aol.com writes:

Dear Commissioners, Planning Staff, City Manager and City Attorney:

Now that we are on to "Step 2" of the process and trying to identify areas where zoning can better implement the CP, the neighbors met (the steering committee of approx 10) to provide more focused input.

Attached are two sets of documents that may help with the "homework" load that goes into deciding all the fine tuning in zoning and zone use charts. While the neighbors and attorneys have, for months, claimed that the zoning does not implement the Comprehensive Plan for BN-Residential markets, we have not had the chance to demonstrate the specific areas of failure (or what could be done to better implement the plan).

A steering committee of about 10 that is fairly representative of the cross section of 250+ participants met on Monday to get our thoughts on zoning changes more focused. You are receiving marked up zone use charts that aim to demonstrate at least the majority of the issues and changes that we believe would help achieve the intent of BN-Residential Market, "Very Small mixed use building/center," and "Limited Commercial" due to traffic ingress/egress as cited in the CP. Presented are ideas that may be applied to all BN or BNA zones and we cite where the different intensities (BN-Res Mkt vs. BN(1)-Neighborhood Ctr) may require additional notations within the Zone Use Chart.

Where possible, there is rationale provided both with explanations from our city policies (e.g. integration or "fit" with surrounding residences) or comparisons with other cities and the density caps they use to maintain certain commercial properties as focused on Neighborhood business.

There may have been items that we've not yet addressed in the zone use chart, and we need to spend more time understanding how the 3 means of regulating ground floor use or overall commercial might impact what is built. We plan on spending more time on that during the upcoming week.

In any area where we may have erred (due to inexperience as planners) please recognize that our intention is to support zoning wording that will provide good outcome for all BN and BNA zones, and in particular, wording that will ensure that the lowest intensity designation is protected for the Residential Market BN during future development. If something appears different than that, it is unintended.

Thanks for your careful consideration...

We have an increased understanding of how complex these decisions are andan increased belief that getting the wording correct is essential.

(PS... Most of the information is in the first attachment, part 2 is some additions)

Best,
Karen Levenson

Dear Commissioners:

The attached documents may be helpful in providing input on each of the detailed decisions that are in front of you.

Please note that we've paid more attention to the BN-Residential Market because that is the one we are most closely involved with.

Also, since the commercial intensity of BN-Res Mkt is of a lower intensity than BN(1)-Neighborhood Center, there will likely be some notations in the zone use chart that differentiate the two. The BN(1)-Neighborhood Center was also not previously part of a down-zone action and legal agreement, nor has it been cited in the Comprehensive Plan as a property appropriate for "Limited commercial" due to traffic ingress and egress difficulties. These differences will drive different application of some standards.

Some interesting comments came from our Monday night meeting:

- 1) Some would like this BN property to also have a (1). Some even believe that it should have been done at the time of the 1995 Comp Plan when it was done for S. Rose Hill, or in 2000 when several other properties had a (2), (3) or (4) added. The 2000 ordinance stated that the identifiers were supposed to have been added in 95.
- 2) ALL participants felt that the building should not span multiple parcels. It is felt that doing so simply creates a much too big building which is out of character for the area. It cuts out the required yards between the properties and provides no light, air or visual relief. There are also concerns about developing a project between owned properties (the two on 10th St S) and the one that is leased month-to-month with a 30 day termination clause. In a separate email I'll provide the thinking of the problems that could occur with this very unique arrangement. You can choose whether you need that level of insight or not.
- 3) ALL participants continue to believe that "unlimited density" or removal of density cap DID NOT HAPPEN.
 - In 6 months of asking, the city has been unable to produce the documents that validate the claim that it removed a density cap
 - At council meetings, several of the city council members said they don't believe that the city intended to apply unlimited density
 - An attorney request that the city "show your work," got no response, even after neighbor follow up
 - Public records request, with the assistance of Toby Nixon, has still not provided any supporting documents as of 2.22.12
 - **Here's why this is important:** The cap on development would therefore be guided by the Ordinances in 1977 and 1979.
The development is then limited to one residential unit ...or "18/acre if only 10% of the development." ... This would be highly restrictive
Neighbor acceptance of even 12 du/acre is an increase.... Neighbors would suggest that the developer and the surrounding property owners present the city with the option for restoring densities during an upcoming CP amendment cycle. This way density isn't unilaterally taken away and then restored to just one owner (spot zone).
- 4) ALL participants continue to believe that only the corner property is truly a BN zone
 - All the records requests in item 3 were also made regarding the change of zoning from single family RS 8.5 and multifamily RM 3.6
 - The records that have surfaced seem to indicate that the process of "notice," council discussion, possible hearing, etc did not happen
 - City records show tremendous confusion over earlier black and white land use map. The two additional properties were changed by scrivener 3x in 5 years
 - Records completed by the "Christmas Tree" property owner indicate that she believed her property was still single family zoning
 - **Here's why this is important:** This speaks to the fact that consolidation of 3 properties into an area that could be built as one large commercial building was unintended. It seems in line with the neighborhood sentiment that developing the 3 parcels as one huge building is inconsistent.

NOTE: This page outlines the thought process on which development regulations help with each component of the Comprehensive Plan definition of BN- Residential Market

Crafting Development Regulations that will implement BN-Residential Market

BN-Residential Mkt is lower intensity use than BN(1)-Neighborhood Center

Breaking down the definition in order to choose zoning that will implement the plan:

A residential market is an individual store or a very small, mixed use building/center focused on local pedestrian traffic. Residential scale and design are critical to integrate into the residential area. Uses may include corner grocery stores, small service businesses (social Svc outlets, daycares), Laundromats, and small coffee shops or community gathering places”

- Very small size building (accomplished with lot coverage, setbacks, reasonable cap on density, no building across property lines)

- Types of businesses (rule out businesses in BN that are not focused on pedestrian traffic, e.g. gas station)

- Residential scale (accomplished with lot coverage, setbacks, reasonable cap on density, no building across property lines)
- Residential design (accomplished with horizontal and vertical modulation and building materials)
- Integrate into residential area (accomplished by design review and/or process approval as in BN(1))

- Approved vs. Non-Approved uses (If it is not listed it is not approved use. Apartments were on list then removed in 1993. Add back in?)

- Res Mkt focus is maintained vs dwellings (accomplished by 10% may be dwellings. Do we want to increase to 50% like some other cities?)
- Ingress/egress and infrastructure issues (accomplished in 1977 reducing to 12/acre w/tighter restriction on BN. Re-densify equally in 2012?)
- Post GMA, should downzone still apply? (if restoring density to one parcel you must restore to all ... return of density should be same)

- Minimize traffic to the site (accomplished with density cap and businesses likely to serve neighbors)
- Sm commercial market serving neighbors may “remain” (allow only small neighborhood businesses – Office is not a listed use)

Section 40.10

Zone
BN, BNA

Legend: GREEN TEXT - These are items that we believe are aligned with the Comprehensive Plan BN - Residential Market definition
 RED TEXT - These are items that we feel are inconsistent with Comp Plan BN - Residential Mkt definitions or are problematic with other plan text
 BLUE TEXT - These are suggestions to make the Zone Use Chart implement the various components of the BN - Residential Mkt definition
 (see details on prior page).

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 40.10	USE REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscaping Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
Small Store .010	Retail Establishment selling groceries and related items	None	None	BN zone: 20'	10' on each side	10'	80%	B	D	1 per each 300 sq. ft. of gross floor area.	1. Except for retail establishments selling groceries and related items in the BNA zone, gross floor area for this use may not exceed 10,000 square feet. 2. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. 3. A delicatessen, bakery, or other similar use may include, as part of this use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of this use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.	
Small Store .020	Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art	Process IIA same as the BN(1) property or DRB	BNA zone: 10'	Lot coverage at 80% allows an inconsistent size building, one that is very BIG. The CP definition of Res Mkt is defined as a VERY SMALL building. It is also required to fit within the neighborhood character. Lot coverage should be a max of 60%. This is the lot coverage allowed in the neighborhood so the development "integrates" well with surrounding properties. This is similar to BN lot coverage in other cities.			If adjoining a low density zone other than RSX or RSA, then 25' above average building elevation. Otherwise, for BN zone, 30' above average building elevation and for BNA zone, 35' above average building elevation.	B	D	1 per each 300 sq. ft. of gross floor area.	1. Gross floor area for this use may not exceed 10,000 square feet. 2. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. 3. Ancillary assembly and manufactured goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.	
Small Store .030	Retail Variety or Department Store	Also like BN in other cities like Federal Wy								1 per every 4 fixed seats.	4. For restaurants with drive-in or drive-through facilities, one outdoor waste receptacle shall be provided for every eight parking stalls. 5. Retail Establishment providing entertainment, recreational or cultural activities only allowed in BNA zone.	
Svc Business .040	Retail Establishment providing banking and related financial services											
Svc Business .050	Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services											
Community gathering is in CP .055	Retail Establishment providing entertainment, recreational or cultural activities See Spec. Reg. 5.											
Coffee Shop in CP Tavern is NOT .060	Restaurant or Tavern									1 per each 100 sq. ft. of gross floor area.	BN(1) does not allow drive thru business and neither should BN-Residential Market. This is particularly true since the Comprehensive Plan comments that the Res Mkt site is identified as one that has problems with auto ingress/egress.	

A Tavern is not a compatible use in a residential neighborhood where business should respect neighborhood hours. Taverns are OK for downtown commercial but don't integrate into the more residential areas.

Section 40.10

Zone
BN, BNA

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 40.10	USE REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.070	Private Lodge or Club	None	None	BN zone: 20'	10' on each side	10'	80%	If adjoining a low density zone other than RSX	B	B	1 per each 300 sq. ft. of gross floor area.	
.080	Vehicle Service Station	None	22,500 sq. ft.	40'	15' on each side. See Spec. Reg. 3.	15'			A	D	See KZC 105.25.	<ol style="list-style-type: none"> Hours of operation may be limited to reduce impact on residential areas. May not be more than two vehicle service stations at any intersection. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
.090	Office Use	None	None	BN zone: 20'	5', but 2 side yards must equal at least 15'.	10'			C		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.	<ol style="list-style-type: none"> The following regulations apply to veterinary offices only: <ol style="list-style-type: none"> May only treat small animals on the subject property. Outside runs and other outside facilities for the animals are not permitted. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The ancillary assembled or manufactured goods are subordinate to and dependent on this use. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses. At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway.

Community gathering is in CP

Process IIA like BN(1) property or DRB

These comments "Hours of operation may be limited to reduce impact on residential areas should be added to all uses in the BN Use Zone Chart

This is not in Res Mkt in CP and is not in BN(1) Not allowed

Office is not defined as a use provided in Res Mkt definition, however, some offices serve as personal service businesses (e.g. veterinarian, CPA office, etc) and qualify.

One problem with Use Zone Chart is that office side yards are less than retail side yards which can drive a developer to choose office use just to get a bigger building. This is contrary to the CP Residential Market which provides for VERY SMALL building.

For BN-Residential Markets 2 changes:
 1) Change the side setback to 10'
 2) In the Special Regulations Specify broad characteristics of office use that will qualify as personal service business and serve neighbors vs. others (e.g. Corp office) that do not serve neighbors and might increase traffic ingress and egress at the site.

Lot coverage at 80% allows an inconsistent size building, one that is very BIG.

The CP definition of BN-Res Mkt is defined as a VERY SMALL building.

It is also required to fit within the neighborhood character.

Lot coverage should be a max of 60%. This is the lot coverage allowed in the neighborhood so the development "integrates" well with surrounding properties.

This is similar to BN lot coverage in other cities.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 40.10	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	<p>3. If a proposed use or development will contain four (4) or more units, then it must contain at least 200 square feet per unit of common recreational space usable for many activities. This required common recreational open space must have the following dimensions: (shall be written similar to KZC 115.23.2(a),(b) , and (c).</p>	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.100	Stacked Dwelling Unit. See Special Regulation 1.	None	None	Same as the regulations for the ground floor use. See Special Regulation 1.				A	1.7 per unit.	<ol style="list-style-type: none"> This use, with the exception of a lobby, may not be located on the ground floor of a structure. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 		
.110	Church	<p>Process IIA same as the BN(1) property or DRB</p> <p>Also like BN in other cities like Federal Wy</p>	<p>12 du/acre</p> <p>See attachment for details:</p> <p>UNLIMITED density is HAS NOT been approved for this parcel</p>	BN zone: 20' BNA zone: 10'	10' on each side	10'	80% 60%	If adjoining a low density zone other than RSX or RSA, then 25' above average building elevation. Otherwise, for BN zone, 30' above average building elevation and for BNA zone, 35' above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See also Special Reg. 2.	<ol style="list-style-type: none"> May include accessory living facilities for staff persons. No parking is required for day-care or school ancillary to this use.

Section 40.10

Zone
BN, BNA

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 40.10	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.120	School or Day-Care Center	None Process IIA or DRB	None	If this use can accommodate 50 or more students or children, then: 50' 50' on 50' each side If this use can accommodate 13 to 49 students or children, then: 20' 20' on 20' each side			80 60%	If adjoining a low density zone other than RSX or RSA, then 25' above average building elevation. Otherwise, for BN zone, 30' above average building elevation and for BNA zone, 35' above average building elevation. See Spec. Reg. 8.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> A six-foot-high fence is required only along the property lines adjacent to the outside play areas. Hours of operation may be limited to reduce impacts on nearby residential uses. Structured play areas must be setback from all property lines as follows: <ol style="list-style-type: none"> 20 feet if this use can accommodate 50 or more students or children. 10 feet if this use can accommodate 13 to 49 students or children. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. May include accessory living facilities for staff persons. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). NO For school use, structure height may be increased, up to 35 feet, if: <ol style="list-style-type: none"> The school can accommodate 200 or more students; and The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan. The increased height will not result in a structure that is incompatible with surrounding uses or improvements. <i>This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.</i>

Both School Use and Church Use should be weighed as to whether they should be limited in size in the general regulations column. This is because very large schools (or churches) as described in item 8 are likely in conflict with the spirit of the BN-Residential Market which exists both to serve local neighbors AND to try and provide service in an area where ingress and egress is difficult and volumes of traffic (when church lets out or when 200 students arrive, might not be well suited to the low intensity use and "very small building" described by the Comp Plan BN-Residential Market and the Neighborhood Plan discussion of the "limited commercial uses due to problems with ingress and egress.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 40.10	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.130	Mini-School or Mini-Day-Care	None Process IIA or DRB	None	BN zone: 20' BNA zone: 10'	5', but 2 side yards must equal at least 15'	10'	80% 60%	If adjoining a low density zone other than RSX and RSA, then 25' average building elevation. Otherwise, for BN zone, 30' above average building elevation and for BNA zone, 35' above average building elevation.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines by five feet. 4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 5. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.140	Assisted Living Facility See Spec. Reg. 3.			Same as the regulations for the ground floor use. See Spec. Reg. 3.					A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> 1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 3. This use may not be located on the ground floor of a structure. 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. 	

See comments in .120
Also, side yard setback should be set at 10' for the same reasons discussed in the Office Use section.

Section 40.10

Zone
BN, BNA

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 40.10	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)									
				Front	Side	Rear							
.150	Convalescent Center or Nursing Home	None	None	BN zone: 20'	10' on each side	10'	80%	If adjoining a low density zone other than RSX or RSA, then 25' average building elevation.	C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.	
.160	Public Utility	Process IIA or DRB	None	BNA zone: 10'	20' each side	20'	60%	Otherwise, for BN zone, 30' above average building elevation and for BNA zone, 35' above average building elevation.	A	C See Spec. Reg. 1	See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses. 2. One pedestal sign with a readerboard having electronic programming is allowed at a fire station only if: a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face; b. The electronic readerboard is no more than 50 percent of the sign area; c. Moving graphics and text or video are not part of the sign; d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way; e. The electronic readerboard displays messages regarding public service announcements or City events only; f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness; g. The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m. except during emergencies; h. It is located to have the least impact on surrounding residential properties. If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose additional conditions.	
.170	Government Facility Community Facility			10' on each side	10'								
.180	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.											

What is meant by .160 and .170, what kinds of Public Utility or Government Facility. Neither would seem to fit in the definition of BN-Residential Mkt Can these be removed as uses? Or should they stay for some reason?

Development Standards for Neighborhood Business Family of Zones

*(key differences between zones are **bolded**)*

	BN (current)	BN (amendments)	BN (1) (current)	BN (1) (amendments)	BNA (current)	BNA (amendments)	MSC 2 (current)	MSC 2 (amendments)	Options (examples used in other zones)
Residential Density	None	<p>12 per acre until the Boulevard gets rezoned and has densities returned to all property owners and not just this one parcel (spot zone).</p> <p>At that time the same residential density should be given to the BN property and the residential properties that were downzoned in 1977</p> <p>Re-densifying in this manner will keep the size, scale and density similar between the BN Res Market and the neighboring properties.</p>	None		None	<p>Replace the caps that were on the BNA properties prior to annexation until you have time to work with neighbors surrounding the properties.</p> <p>Our codes seem to indicate that annexed properties are supposed to keep their zoning and it could be a mistake to leave these changed with a recent cap removal.... particularly since the cap was removed without meaningful notice to neighbors.</p>	None		<ul style="list-style-type: none"> • None • Medium density (1 unit per 3,600 sf) • High density (1/2,400¹, 1/1,800, 1/900²)
Minimum Commercial Floor Area	75% of ground floor		75% of ground floor		75% of ground floor		75% of ground floor		<ul style="list-style-type: none"> • No change • Minimum commercial FAR • Maximum residential FAR as percentage of commercial provided • Minimum commercial frontage
Residential on Ground Floor of Structure	Prohibited		Prohibited		Prohibited		Prohibited		<ul style="list-style-type: none"> • No change • Allow subject to commercial requirements
Commercial Orientation	Toward arterial or sidewalk		Toward arterial or sidewalk		Toward arterial or sidewalk		Toward arterial or sidewalk		<ul style="list-style-type: none"> • No change • Minimum 13' ground floor height • Specify commercial floor to be at grade with street/sidewalk
Maximum Floor Area Ratio (FAR)	None		None		None		None		<ul style="list-style-type: none"> • No change • Maximum x% (similar to single family bulk limits)
Maximum Height	30'		30'		35'		30'		<ul style="list-style-type: none"> • No change • Measure from street level (like CBD) • Cap # of stories • Lower
Maximum Lot Coverage	80%		80%		80%		80%		<ul style="list-style-type: none"> • No change • 60% (similar to medium density zones) • 70% (similar to office zones)
Required Yards	20' front ³ 10' side & rear		20' front 10' side & rear		10' front 10' side & rear		20' front 10' side & rear		<ul style="list-style-type: none"> • No change • 0' (similar to ped. oriented business districts) • 10' (similar to BNA) • Reduce for ground floor only (similar to CBD 3 & 7) • Increase

The BN-Residential Market puts a huge emphasis on being a VERY SMALL (not just small) building/center. And it emphasizes integration into the neighborhood. The surrounding neighborhood has a maximum lot coverage of 60% and if the same is applied to the BN property, any building would likely integrate fairly successfully.

¹ Similar to King County NB zone

² King County density adopted for BC 1 & BC 2 zones

³ Required yard along Lake St 5 or LWB increased 2' for each 1' that the structure exceeds 25' (applies to RM & PR zones along Boulevard as well)

Development Standards for Neighborhood Business Family of Zones (cont.)

	BN (current)	BN (amendments)	BN (1) (current)	BN (1) (amendments)	BNA (current)	BNA (amendments)	MSC 2 (current)	MSC 2 (amendments)	Options (examples used in other zones)
Land Use Buffer	Retail=15' adjoining SF or MF Office=15' adjoining SF, 5' adjoining MF		Retail=20' adjoining SF, 15' adjoining MF Office=20' adjoining SF, 5' adjoining MF ⁴		Retail=15' adjoining SF or MF Office=15' adjoining SF, 5' adjoining MF		Retail=15' adjoining SF or MF Office=15' adjoining SF, 5' adjoining MF		<ul style="list-style-type: none"> No change Make Retail & Office buffers consistent to allow change in use of tenant spaces <ul style="list-style-type: none"> Increase office to 15' Decrease retail to 5'
Maximum Retail/Restaurant Store Size	10,000 s.f. per establishment		10,000 s.f. per establishment		10,000 s.f. per establishment, excludes grocery, drug, hardware...		4,000 s.f. per establishment		<ul style="list-style-type: none"> No change 4,000 s.f. (similar to MSC 2 zone) 3,000 s.f (similar to RM zone) <p><i>Examples:</i></p> <ul style="list-style-type: none"> Totem Lake Rite Aid = 11,000 s.f. Brown Bag Café = 4,900 s.f. Super 24 = 3,100 s.f. Spud's - 1,500 s.f.
Maximum Building Length⁵	None		None		None		None		<ul style="list-style-type: none"> No change Maximum 120' Maximum 70' Maximum 50'
Maximum Building Size	None		None		None		None		<ul style="list-style-type: none"> No change Select a desirable size (this type of regulation is not currently in use in Kirkland)
Review Process	None		Process IIA		None		Design Review		<ul style="list-style-type: none"> None Zoning Permit (with established standards & criteria) <ul style="list-style-type: none"> Process I Process IIA Process IIB Design Review (with established guidelines/regulations) <ul style="list-style-type: none"> Administrative Design Review Board

Increase office to 15' since the goal of BN-Res Mkt is to have a small building with less impact on neighborhd

This might be a bit big... Fed Way provides 7,500 for restaurants, 5,000 for fast food restaurants, 10,000 sq ft for private club ... also neighbors have commented that they do want the option of grocery/hardware store @ the BN-Res Mkt location.

⁴ 20' landscaped berm/topographic change required by (1) suffix

⁵ Used in Design Regulations. Depending on Business District, regulations may require full building separation, a significant modulation break, or change in building definition and materials

----- We need either process IIA or DRB. At this time we are uncertain which would achieve the best result. The goals would be to have a building that is of a size and scale an density similar to surrounding properties (plus some retail). The other goal would be to have it look like a neighborhood building re: use of materials, design of building, horizontal and vertical modulations, stepbacks, colors, textures and chosen siding materials.

----- We should definitely have Maximum length. Something similar to the lengths of nearby properties and should require full building separation ... Especially between properties where one is owned and one is only leased. Additionally, this provides some flow through of light and air and creates a visual gap towards Lake Washington.
----- A maximum building size would be helpful, but perhaps the same goal can be achieved by lot coverage if it is required to be the same as neighboring proprties.

Ground Floor Commercial Development Standards for Community Business (BC) Family of Zones

	BC (current)	BC (amendments)	BCX (current)	BCX (amendments)	BC 1 (current)	BC 1 (amendments)	BC 2 (current)	BC 2 (amendments)	Options
Minimum Commercial Floor Area	75% of ground floor		75% of ground floor		75% of ground floor		75% of ground floor		<ul style="list-style-type: none"> No change Minimum commercial FAR Maximum residential FAR as percentage of commercial provided Minimum commercial frontage
Residential on Ground Floor of Structure	Prohibited		Prohibited		Prohibited		Prohibited		<ul style="list-style-type: none"> No change Allow subject to commercial requirements
Commercial Orientation	Toward arterial or sidewalk		Toward arterial or sidewalk		Toward arterial or sidewalk		Toward arterial or sidewalk		<ul style="list-style-type: none"> No change Minimum ground floor height (13'-15') Specify commercial floor to be at grade with street/sidewalk

Here's some ideas regarding Ground Floor Uses... First some background on what we've experienced to give some meaning to our suggestions:

Recent issue:

- Overdevelopment was being proposed and very little ground floor commercial was being provided (likely they'd be empty office fronts... the cost of getting a larger footprint and more 700 sq ft residential dwellings).
- There seemed to be a problem in that the office parking (by being counted as commercial) was merely a tool to provide even less "commercial" ... and to again get more residential units.
- The developer commented that he chose office instead of retail to get get the bigger footprint. The ground floor appears submerged to get an additional story of height (not "pedestrian friendly" retail or svcs).

Now some thoughts to kick around:

- How about if "shared" parking counts as guest residential parking and not commercial use?
The rationale? 18 of 24 hours the parking is used by residential guests and not the business (2/3 of the time). This would force a developer to provide more "TRUE" commercial uses in the proposed project.
- Office and retail should be on ground floor so that retail or service businesses would always have ready access by patrons. Often office and retail uses may be "in vogue" during different years. You should have the flexibility to do either... You get that if they are on the ground floor.
- Previously BN zones were regulated in that residential (in the BN-Residential Market could only be 10% of the development. This kept the focus on the retail and kept the building small as per the Plan. Perhaps choosing a % of the development that must be commercial would be both consistent with what was done previously and would keep in balance the fact that the property is a "Neighborhood Business" Careful consideration of a % should be determined. It would be helpful for a 3 story parcel to have a % that is less than 66% residential. If a developer were restricted to 55% residential, for example, AND if retail, service, office were limited to the ground floor, here's the added benefit. If the developer built out the ground floor fully commercial, the 55% residential would restrain the building from being built out as three equal sized floors. This would require upper floors in a 3 story building to be smaller... by default the building would need to have some setbacks and modulation to accommodate this. The area of problem with this approach is that it incentivizes full build out of the ground floor as retail, svc, office which could likely exceed local demand. Additional work would need to be done to this concept if it has any interest.
- Neighbors would like to spend some more time exploring the different ways of using ground floor regulations and/or parking in order to have better codes to achieve the "VERY SMALL BUILDING / CENTER" and the Retail focus of the residential market. Hopefully staff can help provide some insight so that neighbors can provide more input in the next week.

Suggesting 12 units per acre in a downzoned BN zone is at the halfway point of King County regulations and is not much different than Bellevue @ 15 and Fed Way at 18/acre. Other cities are similar. During the next Comp Plan Amendment cycle, this parcel owner and surrounding properties are likely to ask the city to return some density to all the downzoned parcels (together, instead of as giving back density to just one property owner - spot zone)

	Bellevue NB	Redmond NC-1 ¹	Redmond NC-2	King County	Kirkland BN & BNA
Residential density	15 units/acre	none	none	8-16 units/acre ²	none
Residential location	Second floor and above	-	-	-	Second floor and above
Floor Area Ratio	For office only	.60 ³ (.30 commercial, .30 residential)	.60 ⁴ (.30 commercial, .30 residential)	1.0-2.0 ⁵ (residential FAR maximum 50% of total FAR)	none
Allowed height	20' ⁶	35'	35'	45'	30'
Lot coverage	80% ⁷	70%	70%	85%	80%
Setbacks	none	15' front 10' side & rear	15' front 10' side & rear	10' front 20' side & rear	20' front BN 10' front BNA 10' side & rear
Commercial limits	3,000-5,000 s.f. per establishment, varies by use ⁸	Max 3,500 s.f. per establishment ⁹	Max 5,000 s.f. per establishment	none	10,000 s.f. per establishment ¹⁰
Review process	none	none	none	none	none ¹¹

Federal Way
18/acre

This may be too big... Fed Way 7,500 for restaurants, 5,000 for fast food restaurants, 10,000 sq ft for private club,

P.S. Do we want to allow fast food restaurant? Prob no?

P.S.S. We want to be able to have grocery store or hardware

Redmond 21.14.015 Neighborhood Commercial 2 (NC-1)

Purpose. The purpose of the Neighborhood Commercial 1 (NC-1) zone is to provide for attractively developed small- scale shopping areas that offer convenience goods and professional and personal services for the daily needs of nearby neighborhoods and that serve as neighborhood gathering places. The intent is to ensure compatibility with the vicinity neighborhood character and to reduce trip length and frequency by allowing only those uses that primarily serve the neighborhood and that do not have a tendency to draw traffic from outside the neighborhood. Location on transit routes and near pedestrian facilities and bike paths is intended to encourage transit use, walking, and biking and to promote convenient access within the shopping area and to and from the neighborhood. Neighborhood Commercial developments should be compatible in height, size, bulk, and design with adjacent residential uses. Mixed-use development is encouraged.

¹ There are currently no NC 1 zoned properties in Redmond. This less intensive neighborhood commercial zone provides a rezoning opportunity if a neighborhood or property owner desire these small scale neighborhood services in the future.

² Bonuses available to achieve up to 16 units/acre maximum

³ Bonus commercial FAR available for open space, bonus residential FAR available for affordable housing & green building (maximum .66)

⁴ Bonus commercial FAR available for open space, bonus residential FAR available for affordable housing & green building (maximum .80)

⁵ Bonuses to 2.0 FAR available for mixed use and structured parking

⁶ May be increased up to 15' if at least 75% of ground floor is structured parking , or may be increased to 30' if office or residential provided above (but not to exceed two stories)

⁷ Maximum 35% structure footprint

⁸ Due to vacancies in struggling shopping centers, Bellevue is currently reevaluating size limits and uses in identified areas (File No 11-125521 AD)

⁹ Public amenity bonuses up to 5,000 s.f.

¹⁰ Excluding grocery stores in BNA zone

¹¹ BN (1) subarea has Process IIA review for new development

CHAPTER 40 – NEIGHBORHOOD BUSINESS (BN) AND NEIGHBORHOOD BUSINESS A (BNA) ZONES

40.05 User Guide. The charts in KZC 40.10 contain the basic zoning regulations that apply in each of the BN and BNA zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 40.08

Zone
BN, BNA

Section 40.08 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The maximum horizontal facade shall not exceed 50 feet in width.
 See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
3. ~~The required yard of a structure abutting Lake Washington Blvd. or Lake Street South must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation (does not apply to Public Park uses).~~
4. At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway.
5. May also be regulated under the Shoreline Master Program; refer to Chapter 83 KZC.

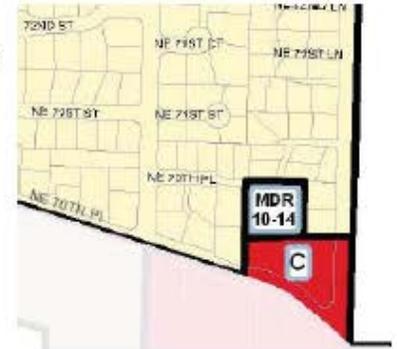
BN - Residential Market (and possibly Neighborhood Center, too)...

Commercial Uses and Ground Floor must be at sidewalk level (not submerged). They must be oriented to the main street and designed to attract patrons to the retail and service business.

Recent application provided ground floor that is halfway submerged below street level. This was in order to get an additional story of height into the building envelope. This is bastardizing the reason for ground floor retail and service business.

Commercial development is permitted on the north side of NE 70th Street, across from the Bridle Trails Shopping Center. Medium density detached single-family residential development is also appropriate in the immediate vicinity.

The northwest corner of NE 70th Street and 132nd Avenue NE contains a small-scale commercial development. Development should not extend into the surrounding low-density residential neighborhood, however. The northern boundary of the commercial area lies south of the existing single-family development along 132nd Avenue NE. The western boundary lies east of the existing single-family development along NE 70th Street. In the northwestern portion of the site, the boundary generally follows the toe of the existing slope. To mitigate impacts to the adjoining residential area, development is subject to the following standards:



The BN - Residential Market should be at least as restrictive as BN-Neighborhood Center. It also should likely have a (1) added and Process IIA or DRB. It probably should have had it added at the time of the 1995 Comp plan or 5 years later when a few other zones were given a (3) or (4) for the purpose of referencing the comp plan as a regulatory document.

Additionally, any developmental regulations that could be added in the right column of the Zone Use chart to achieve the items underlined and circled here will be helpful in making the two BN zones more similar.

- (1) Commercial uses should be oriented to serving the neighborhood. Uses should not include vehicle service stations, drive-in businesses, auto service and sales, or storage facilities.
- (2) Building height, bulk, modulation, and roofline design should reflect the scale and character of single-family development. Blank walls should be avoided.
- (3) New structures should be substantially buffered from nearby low-density residential uses. Such buffering should consist of an earthen berm a minimum of 20 feet wide and five feet high at the center. In some places, the existing slope may replace the berm. The berm or slope should be planted with trees and shrubbery in sufficient size, number, and spacing to achieve a reasonable obstruction of views of the subject property. Alternatively, an equal or superior buffering technique may be used.

Lakeview Neighborhood (RM 3.6 Super 24 Site):

Policy L-7.4: *Limit commercial activities north of NE 64th*



Jeremy McMahan

From: Uwkg@aol.com
Sent: Wednesday, February 22, 2012 10:56 AM
To: Jeremy McMahan; Andrew Held; Byron Katsuyama; C Ray Allshouse; Eric Shields; George Pressley; Glenn Peterson; Jay Arnold; Jon Pascal; Karen Tennyson; Mike Miller; Paul Stewart; tennysonKK@aol.com; Robin Jenkinson; Eric Shields; Kurt Triplett
Cc: uwkg@aol.com; neighboringproperties@gmail.com
Subject: BN Zoning - Meeting of Neighbor "steering committee" and alignment zoning/CP
Attachments: For Planning Commission Mtg Feb 23.pdf; Part 2 For Planning Commission Mtg Feb 23.pdf

Dear Commissioners, Planning Staff, City Manager and City Attorney:

Now that we are on to "Step 2" of the process and trying to identify areas where zoning can better implement the CP, the neighbors met (the steering committee of approx 10) to provide more focused input.

Attached are two sets of documents that may help with the "homework" load that goes into deciding all the fine tuning in zoning and zone use charts. While the neighbors and attorneys have, for months, claimed that the zoning does not implement the Comprehensive Plan for BN-Residential markets, we have not had the chance to demonstrate the specific areas of failure (or what could be done to better implement the plan).

A steering committee of about 10 that is fairly representative of the cross section of 250+ participants met on Monday to get our thoughts on zoning changes more focused. You are receiving marked up zone use charts that aim to demonstrate at least the majority of the issues and changes that we believe would help achieve the intent of BN-Residential Market, "Very Small mixed use building/center," and "Limited Commercial" due to traffic ingress/egress as cited in the CP. Presented are ideas that may be applied to all BN or BNA zones and we cite where the different intensities (BN-Res Mkt vs. BN(1)-Neighborhood Ctr) may require additional notations within the Zone Use Chart.

Where possible, there is rationale provided both with explanations from our city policies (e.g. integration or "fit" with surrounding residences) or comparisons with other cities and the density caps they use to maintain certain commercial properties as focused on Neighborhood business.

There may have been items that we've not yet addressed in the zone use chart, and we need to spend more time understanding how the 3 means of regulating ground floor use or overall commercial might impact what is built. We plan on spending more time on that during the upcoming week.

In any area where we may have erred (due to inexperience as planners) please recognize that our intention is to support zoning wording that will provide good outcome for all BN and BNA zones, and in particular, wording that will ensure that the lowest intensity designation is protected for the Residential Market BN during future development. If something appears different than that, it is unintended.

Thanks for your careful consideration...

We have an increased understanding of how complex these decisions are andan increased belief that getting the wording correct is essential.

(PS... Most of the information is in the first attachment, part 2 is some additions)

Best,
Karen Levenson

Jeremy McMahan

From: Uwkgg@aol.com
Sent: Thursday, February 23, 2012 9:48 AM
To: Jeremy McMahan
Cc: uwkgg@aol.com
Subject: Fwd: Review of BN Zones During Moratorium
Attachments: 12-07-11 LettertoCityofKirkland.pdf

Jeremy:

Can you confirm receipt of my emails... looks like things are heating up and I want to make sure our side has it's "legals" front and center on this, as well.

Please also send a copy of this letter to the commissioners and provide it on their chairs so they have an opportunity to review items that are now more "in focus" than they were when the letter originally arrived.

Thanks,
Karen Levenson

December 7, 2011

City Manager, Kurt Triplett (*via email and U.S. mail*)
City Attorney, Robin Jenkinson (*via email and U.S. mail*)
City Council Members (*via email only*)
City Planning Commissioners (*via email only*)*
City of Kirkland
123 5th Avenue
Kirkland, WA 98033

Re: Review of BN Zones During Moratorium

Dear City Manager Triplett, City Attorney Jenkinson, and Council Members:

This letter is to follow up on my letter of November 15, 2011 regarding the Neighborhood Business (BN) zone in Kirkland, in particular the extent of allowed residential development as well as the size and scale of the project in comparison with the surrounding residential single family homes and condominiums zoned for 12 du/acre. On behalf of residents, property owners, and homeowners associations in Kirkland that I represent, we acknowledge and appreciate the Council's willingness to listen to our concerns and to enact Ordinance 4335A on November 15, 2011, to further the goal of proper planning in the City. The purpose of this letter is to address the next steps in the review process of the BN zone and to further explain the importance of my clients' concerns.

Of great importance to my clients is the recognition that the Growth Management Act (GMA) clearly articulates a detailed and coordinated process of planning for growth and for implementing that plan, based on public participation. These are core GMA principles, found in RCW 36.70A.010 ("Legislative Findings"), RCW 36.70A.020 (11) ("Planning Goals/Citizen Participation and Coordination"), and RCW 36.70A.140 ("Comprehensive Plans – Ensure Public Participation"). Any detailed and comprehensive planning process requires months or years of study and public input that then yields a comprehensive plan. The resulting plan and regulations reflect a collective decision of the City and its citizens. Zoning and development regulations are then drafted, but often this is the work of one or two staff members, in an effort to communicate the Comprehensive Plan in a more tangible form. Usually the development regulations, including zoning, implement vision and direction of the Comprehensive Plan, which is certainly the intention and expectation. Sometimes, though, a mismatch or a scrivener's errors can occur. That appears to be one the case here with the implementation of Neighborhood Business (BN) zoning in Kirkland.

Nonetheless, the benchmark is Comprehensive Plan. The creation of the zoning and developmental regulations follows. So, the starting point here is to make sure that the community vision in the Comprehensive Plan is followed. To work backwards and change a Comprehensive Plan based on flawed developmental regulations would thwart the purpose and intention of the Growth Management Act. A past erroneous enforcement or interpretation of an ordinance or regulation by a local government does not foreclose the proper exercise of regulatory authority. See generally, *Dykstra v. Skagit County*, 97 Wn. App. 670, 677, 985 P.2d 429 (1999).

The pivotal importance of compliance with and alignment with the Comprehensive Plan for development projects within the City is embedded in the mandatory, signed application documents for specific development projects. Under the State Environmental Protection Act (SEPA), RCW 43.21C, the mandatory SEPA Checklist requires that the applicant/developer disclose and evaluate consistency with comprehensively planned land use, impacts and consistency with adjacent properties and aesthetics. See SEPA Checklist at paragraph "f", Page 11 of 15 and "C" – Signature on Page 15. In a similar vein, the application package for a Shorelines Substantial Development Permit states, at the outset, that applications will be evaluated based on "pertinent sections of the zoning code, the comprehensive plan, other city regulatory ordinances... and evidence presented through public. [Emphasis added.] See Shorelines Substantial Development Application Package, Paragraph 2, Page 1. Likewise, in "Chapter III-A General" of the Comprehensive Plan, the City includes the requirement that "The City's legislative and administrative actions and decisions must be in compliance with the adopted plan." [Emphasis added.]

Now, with a moratorium on Neighborhood Business zone, my clients and I are encouraging the City of Kirkland to allow a rational, deliberate process, with sufficient time, to review and evaluate numerous identified issues. There are likely more issues than originally anticipated and there may be more items that surface as the evaluation progresses looks closely at these BN zones. To date, the issues identified with BN zones fall into 5 categories:

- 1) Scriveners' errors in zoning such as those acknowledged in the wording of 1982/1983 Ordinances (these superficially appear to have left uncapped residential density in BN zone without the necessary thought and consideration);
- 2) Misalignment of zoning and development regulations with numerous chapters, goals and policies of the Comprehensive Plan;
- 3) Misalignment of zoning and development regulations with the corresponding commercial designations as provided for in the Land Use Chapter through Map LU-2 and the preceding hierarchy of commercial uses; and
- 4) Misalignment of zoning and development regulations with the corresponding neighborhood chapters of the comprehensive plan; and

- 5) Convoluted definitions and interpretations of words as they apply to BN zones.

My clients are and have been willing to provide the City with the information that they have obtained that indicates scriveners' errors, both with the uncapping of residential density (BN) and the unintentional rezoning of two properties to BN from RM 3.6 and RS 8.5.

Additionally, my clients request that they be part of a review of the goals and policies put forward by citywide and neighborhood chapters of the Comprehensive Plan, beginning with things like the integration of new development into established neighborhoods, transition zones and provisions for walkable local restaurants, retail and service businesses.

Finally, the City Code has procedures for interpreting the code provisions which comes into play here. First, interpretations are to be made based on defined or common meanings of terms. KZC 140.70.1(a). Secondly, terms should be interpreted in the context of the general purpose of the provision at issue. KZC 140.70.1(b). Finally, terms should be interpreted "in relation to the Comprehensive Plan." KZC 140.70.1(c). All of these rules of interpretation favor the position of my clients and disfavor the extreme position of those would seek to allow unrestricted residential development in a BN zone. We believe that the concepts in KZC 140.70 are very useful in the current review and that continuing vigilance and adherence to these concepts could have kept us out of the current difficulty. Consider these examples:

"Neighborhood Business" - This is the first descriptive word in BN zones. There are numerous examples of the meaning of a neighborhood business. As one looks to other cities the definition, purpose and intent are almost always the same. A neighborhood business is small scale, aesthetically fits within the neighborhood, provides that some goods and services that may be obtained locally by neighbors without the need for getting in one's car and thus reducing traffic. While some cities allow no residential units as part of a neighborhood business, others allow a shopkeeper residence or residential at a density similar to surrounding properties. Always, if residential is allowed it is the secondary and not the primary use of the land.

"Retail or Office use oriented to the primary arterial" - An office or retail use is that area wherein goods and services are offered or wherein one has desks or other office related furnishings. To count "office related parking" as an office use is to work around the common and ordinary meaning of the words. Parking is parking; it is not an office. A realtor who is asked to locate XXXX square footage of office space will not be counting the parking into that square footage, as that is not what is included by the words.

"Corner lots must provide two front yards" - This should be clarified as to whether the intention is to just have both setbacks be larger, or whether any building and yard design should appear to be of a front yard quality and therefore prevent a side street from looking at the massive side view of a building.

"Residential Market" - The definition given by the Comprehensive Plan does not assign residential or housing use to this Commercial zone or the Light Industrial/Hi Tech Commercial

zone. Based on legal statutory rules of construction and the fact that residential housing is included in the other four commercial zones, it would follow that omitting residential housing from Residential Market and Light Industrial Commercial is intentional.

My clients are not anti-growth or anti-development. They recognize they live in an urban area characterized by low to medium, or even moderately high density. What they oppose is the extreme notion that unlimited or unrestricted residential development was intended in their neighborhood particularly since hundreds of properties along Lake Street S and Lake Washington Boulevard were zoned downward from 24du/acre to 12 du/acre amidst much dissatisfaction and a lawsuit which left all the properties south of 7th Avenue South reduced in development potential. Those that were already built assumed the difficulty of being thus labeled as “non-conforming” with the burdensome restrictions that imposes. They emphatically reject the notion that unrestricted residential development in their neighborhood was a carefully planned action under the City’s extensive GMA process. There is a saying that comes from some of the early Growth Management Hearing Board decisions on challenges to City densities: “show the work” to support the density analysis. See for example, Wenatchee Valley Mall v. Douglas, 96-1-0009 (1996). We ask the City – “show us the work” that unrestricted residential development in the BN zone was a thoughtful and planned decision.

My clients look forward to being included in any public process and public hearings that accompany the review of BN zones. They ask for an avenue to bring the above-mentioned issues, and others, to your attention in a manner that does not limit them to three minutes at a microphone.

Please provide sufficient time for the City's review of BN zones, for thoughtful examination of the aforementioned complexities and those that will surface during careful review.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian E. Lawler", with a long horizontal flourish extending to the right.

Brian E. Lawler

BEL:cls

* This letter has also been addressed to the Planning Commission, because we understand they may already be reviewing BN zoning related issues.

Jeremy McMahan

From: Uwkkkg@aol.com
Sent: Friday, February 24, 2012 10:41 AM
To: Andrew Held; Byron Katsuyama; C Ray Allshouse; Eric Shields; George Pressley; Glenn Peterson; Jay Arnold; Jon Pascal; Karen Tennyson; Mike Miller; Paul Stewart; Jeremy McMahan
Cc: uwkkkg@aol.com; neighboringproperties@gmail.com
Subject: BN Discussion last night

Hi all:

First... thank you for the thoughtfulness with which you carefully worked last night.

Second, in spite of the fact that you were working really hard ... and were extremely thoughtful in your discussion... well... I agree with Atis that you mostly moved in a direction opposite of the goal of making the Lake Street BN fit within the neighborhood and achieve the CP description of 1) least intense type of commercial, 2) Residential Mkt definition, 3) Comp Plan info specific to the site and problems with ingress and egress at 10th and Lake St S so the commercial development needed to be "LIMITED."

(A cap at 3 floors and no submerged building...were bright spots... and there were others...).

1) Why was lot coverage not given more consideration by the commission. How will a building that is 33% larger than the maximum build out of the surrounding sites not remain incompatible re: size and scale?

2) Why are you removing the density cap? While the city initially believed these caps have been removed, they have been unable to provide that documentation. Since our city direction of Ordinances is that they are local laws and can only be changed by a later ordinance... Therefore without some ordinance after 1977 and 1979 the cap on this density is currently 1 unit for the parcel or a maximum of 18/acre if 10% of the project. That information is on file and available.

There is likely neighbor support for an increase in the density on the BN parcel(s) to that of surrounding properties, if the lot coverage is not 33% bigger (and is only 60%) But the support goes away if it is a spot rezone completely different than all the other properties that were down-zoned by the same ordinances (and for the same reasons).

NOTE: Density does matter... it matters a bunch (not just re: traffic)
If the density within a building didn't matter then why do we assign densities at all?
If density within a structure doesn't make a difference why do residential properties have caps?

The fact is this... There are numerous negative impacts due to density... loss of privacy, light, sound ... there hundreds of consequences of density. We will provide a list of density impacts if that would be helpful.

The neighborhood will continue to argue before the commission, the council and the growth management board, etc (if necessary) that:

- 1) Uncapped density is not consistent with the lowest intensity use commercial designation, Res Mkt
- 2) Removing the density cap on that property without adjusting the other properties that were lowered in density by the same ordinances would be spot zoning (if the city is no longer worried about the impact of higher density along Lake St/LWB then their change of position needs to treat all in the same manner).
- 3) We will argue that providing a building footprint that is 33% bigger than maximum build out of any property within blocks cannot possibly achieve "A VERY SMALL MIXED USE BUILDING or be compatible.

Thanks for taking the time with this email.
Thank you for really thinking through the BNA zones (I know they'll appreciate that).

Please take more time to make sure you are moving in the direction of bringing the zoning of BN-Residential Market more in line with the small, low intensity prescribed in the Comp Plan rather than the opposite direction.

P.S. Eric and Jeremy, the commission often looks to you for guidance ... it is expected that since the city council members stated that 1) They felt that unlimited density was not intended, and 2) "sometimes you just know something is terribly wrong" we look to you to be the bridge between the two organizations. I believe that the commissioners would

feel frustrated if they were so hard on BN properties only to have the council vote in opposition to the recommendation since it missed the KCC intention.

Thank you,
Karen Levenson

Jeremy McMahan

From: Uwkg@aol.com
Sent: Friday, February 24, 2012 12:54 PM
To: Uwkg@aol.com; Andrew Held; Byron Katsuyama; C Ray Allshouse; Eric Shields; George Pressley; Glenn Peterson; Jay Arnold; Jon Pascal; Karen Tennyson; Mike Miller; Paul Stewart; Jeremy McMahan
Cc: neighboringproperties@gmail.com; uwkg@aol.com
Subject: BN - Residential Mkt - Evidence shows a tight density cap is in place

Eric and Jeremy (et al):

To date the most recent Ordinance to have dictated density at the BN Lake St site shows a very very restrictive density.

Since the Ordinances are cited by Kirkland as being the most binding of Council actions and only changeable by another ordinance, we've been asking to see any ordinance that was later passed to remove the cap.

We have now had this request before you, your staff and public records for nearly 6 months and have had the assistance of City Council members trying to help us get the information.

This leads me to believe that if it hasn't surfaced by now it doesn't exist.

That being said, the density cap on BN at Lake St S would be what is in the ordinance at 1 dwelling for the property or 18 per acre if it is less than 10% of the project.

Unless you suddenly find an ordinance after these 6 months, this is pretty much where we are currently...

Pls advise if something suddenly surfaces.

Thanks,
Karen Levenson

Jeremy McMahan

From: Uwkkkg@aol.com
Sent: Monday, March 19, 2012 12:40 PM
To: Jay Arnold; Mike Miller; C Ray Allshouse; Andrew Held; Byron Katsuyama; Glenn Peterson; George Pressley; Jon Pascal; Karen Tennyson; tennysonkk@aol.com; Kurt Triplett; Janet Jonson; Eric Shields; Jeremy McMahan
Cc: uwkkkg@aol.com; neighboringproperties@gmail.com
Subject: EASIER TO READ: BN Res Mkt pending items

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Commissioners:

Re: Listing of outstanding issues still misaligned with Comp Plan

We have come to learn that an agenda item for review of BN-Residential Market will NOT likely be added to this Thursday's meeting. While you've made some great progress, it will likely take more than one meeting to get thru sufficient detail and ensure that Zoning becomes sufficiently aligned with the Comprehensive Plan to "fully implement" the definition of Residential Markets and to fully align with many other relevant areas of the approved plan.

That being said, a reminder of the charge:

"Table IS-1 lists specific tasks needed to fully implement the Comp Plan"

"Amend the Zoning Code as appropriate to establish standards for Residential Markets"
In a day or two you will receive a very extensive letter pointing out numerous remaining conflicts. This does not discount how appreciative we are of the work you've done to date. We continue to feel that we are making improvements towards "Residential Market."

At the same time, the organization known as "STOP," and other residents listed below, are required to provide sufficient documentation of their concerns so that the requirements for Growth Management Hearings Board challenge are met. This is being done as a precautionary measure as we are concerned that the commission will perhaps, run out time or energy, or may base decisions on personal goals or preferences rather than the vision and goals and policies of the plan, itself. The litmus test is whether your result is aligned with the requirements of the Comprehensive Plan.

SIZE/Mass/Scale of building

- Without further work in this area, the current size of potential building, particularly that controlled by lot coverage, will likely continue to be misaligned with MANY of the various requirements of the Comprehensive Plan.
- Without farther work, the numerous citations requiring integration into neighborhood, compatibility with surrounding residences, lack of negative impact on lower intensity residences are unlikely to be assured. A "Residential Market" can't be seen as an "island."
- Without farther work, sufficient requirement for goods and services focused on serving the needs of the local residents may be missed.

Ingress/Egress issues being a limiting factor at 10th Ave S/ Lake St S

- Without farther work here, we believe that alignment w/ CP will not happen.
- Limitation on the volume of ingress/egress must be controlled in 2 ways
 - 1) Only businesses that don't have high volume of cars should remain on the zone use chart (remove others)
 - a) Currently a large size school would qualify (brings lots of cars)

- b) Currently Drive thru business qualifies (lots of ingress/egress)
 - c) Other businesses that are "auto centric" remain on the chart
- 2) Volume of residential cars must be controlled by residential density cap

George Pressley was right !!! At a prior meeting George Pressley inquired as to whether the silence in the CP relating to the number of housing units could mean zero ... rather than unlimited.

BINGO !!! Right answer !!! This issue was previously addressed by one of the attorneys who indicated that zero was the stated residential density due to housing mentioned for all other commercial zones in the hierarchy and left off of Res Mkts. Now, some of the citizens, being tremendously unhappy with the refusal to implement a density cap similar to surrounding properties, have done more research and have confirmed.... apartments **WERE specifically allowed in 1993** in Res Mkts, then were **specifically REMOVED in 1995** and no longer an approved use. Nothing has changed since then. We will be providing this documentation during the week.

Some wording in the current Comprehensive Plan may be inclusive enough to allow some dwelling units similar to the surrounding densities. I would urge all sides to look into that flexibility. We prefer that to a protracted process.

Thank you for your continued attention to this matter, we all hope to wrap this up soon.

P.S. We are still working to get you the huge number of letters regarding zoning, density, land use and Comp Plan that were previously sent to th City by dozens-hundreds of residents. these were intended for use throughout the process. The fact that you were not provided these letters may end up as a problem regarding the public participation requirement of GMA. We wil keep you posted.

Karen Levenson, As an individual, and
On behalf of, Hugh and Karen Levenson
On behalf of The Park, A Condominium
On behalf of Kirkland residents and HOAs working with Attorney Brian Lawler
On behalf of Numerous Homeowners and Condominium Complexes, as previously stated
On behalf of "STOP" - "Support The Ordinances and [Comp] Plan"

Jeremy McMahan

From: Uwkgg@aol.com
Sent: Thursday, March 22, 2012 7:54 AM
To: Jay Arnold; Mike Miller; Andrew Held; Byron Katsuyama; Glenn Peterson; George Pressley; Karen Tennyson; tennysonkk@aol.com; Jon Pascal; C Ray Allshouse; Eric Shields; Jeremy McMahan; Paul Stewart
Cc: uwkgg@aol.com; neighboringproperties@gmail.com
Subject: BN-Res Market: A Night FREE !! Redshirts give Planning Commission a break!

Follow Up Flag: Follow up
Flag Status: Flagged

FYI:

We thought you'd enjoy hearing that the "Redshirts" will basically be on "Vacation" tonight...

It was suggested that you be allowed to focus on the other important tasks tonight since our request to be on the agenda was denied and you have a bunch of work (not related to BN) on your schedule. Only a couple from the "Red Shirt" steering meeting will be there for ongoing representation of the larger group.

The "Redshirts" continue to appreciate the careful thought you are putting into zoning for Res Mkt-BN.

Have a good and productive night re: Totem Lake.

Karen Levenson (and others)
P.S. Note the email below.....

Subj: BN: Res Market: A Night FREE !! Redshirts to give Planning Commission a break!

Hi all ...

- Let's have the "Red Shirts" **TAKE TONIGHT OFF**
- Let's have "Red Shirts" NOT attend tonight's Planning Commission mtg
- Let's give ourselves and the commission a one night break...
- We are not on the calendar tonight... but a couple attendees will be there to monitor the evening...
- Do something fun this evening instead of planning commission mtg (unless you are just dying to attend).

Jeremy McMahan

From: uwkkg@aol.com
Sent: Thursday, March 29, 2012 10:17 PM
To: Robin Jenkinson; Kurt Triplett; Eric Shields; Jeremy McMahan; Joan McBride; Penny Sweet; Doreen Marchione; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Byron Katsuyama; Glenn Peterson; Jon Pascal; Andrew Held; C Ray Allshouse; Mike Miller
Subject: Info re: BN from Neighbors within the same block
Attachments: One_Neighborhood_Block_Two_Residential_Markets_Kirkland_BN.pdf

Attached is an overview of our block. You will see that we are divided in some ways but very similar in many other ways. We include a map and the comprehensive plan statements regarding housing and commercial development. Traffic ingress and egress is a limiting factor that has the plan restricting commercial dramatically.

Thanks,
Karen Levenson & Neighbors of one Kirkland block

Jeremy McMahan

From: Uwkgg@aol.com
Sent: Sunday, April 01, 2012 11:44 AM
To: Robin Jenkinson; Kurt Triplett; Eric Shields; Jeremy McMahan; Joan McBride; Penny Sweet; Doreen Marchione; Amy Walen; Dave Asher; Bob Sternoff; Toby Nixon; Jay Arnold; Byron Katsuyama; Glenn Peterson; Jon Pascal; Andrew Held; C Ray Allshouse; Mike Miller; Kathi Anderson; Janet Jonson
Cc: uwkgg@aol.com; neighboringproperties@gmail.com
Subject: Kirkland Views re: BN Correction in line with attorney's request

Good Morning:

I thought I'd alert you to the letter to editor that discusses a correction to BN zoning that would affirmatively answer the attorney request. <http://www.kirklandviews.com/archives/32431/>

A second suggest for remedy, also in line with the attorney request is due to be posted in Kirkland Views very soon.

JJ, Kathi and Eric - Please make sure this is entered into the record for Tuesday's meeting and as a part of the record and archives for the discussion on BN zones and Residential Markets.

Thanks,
Karen Levenson